

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111014

DATE : October 14, 2011

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction on Patent No.: 7,851,640

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:

/JANET ANDRES/
Supervisory Patent Examiner.Art Unit 1625



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

**Thomas Walter Davis III
10879 Woodpine Trl.
Bethany LA 71007**

In re Application of :
Thomas W. DAVIS III : **ON PETITION**
Application No. 12/380,728 :
Filed: March 3, 2009 :
Atty. Docket No.: 12380728 :

This is in response to the petition under 37 CFR 1.137(b), filed June 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Notice of Allowability mailed December 23, 2010, which set a statutory period for reply of three (3) months. The application became abandoned March 24, 2011. A Notice of Abandonment was mailed April 7, 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 December 23, 2010, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

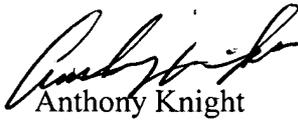
There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate 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 currently of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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

The application file will be referred to Office of Data Management for further processing.



Anthony Knight
Director
Office of Petitions

cc: R. Keith Harrison
2139 E. Bert Kouns
Shreveport, LA 71105



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Alexandria, VA 22313-1450
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FUESS & DAVIDENAS
6 ANTHONY LN
MABELVALE AR 72103

MAILED

JAN 18 2011

In re Application of
Paul Hermonat
Application No. 12/380,740
Filed: March 3, 2009
Attorney Docket No. H0001P

OFFICE OF PETITIONS

LETTER

In response to a petition filed May 27, 2009, treated under 37 CFR 1.53(e)(2), it was determined that pursuant to MPEP § 601.01(f), a drawing was not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application and the petition was granted, according March 3, 2009 as the filing date.

Petitioners were advised that to include the inadvertently omitted drawings, no petition was required and that an amendment in compliance with 37 CFR 1.57(a) and 37 CFR 1.121 could be submitted for consideration by the Examiner of Record.

In response thereof, the drawings and an amendment were filed on August 30, 2010, with copies of the previously filed petition and the decision on petition.

To clarify the record, there is no further petition needed under 1.57 as the requested filing date has been granted by the decision mailed July 20, 2009.

Additionally, the decision incorrectly noted that the petition fee in the amount of \$200 was to be refunded. The petition fee paid was in the amount of \$400 and has been duly refunded.

This matter is being referred to Technology Center Art Unit 1648 for examination in due course and for consideration of the request to enter the drawings inadvertently omitted on filing.

Any inquiries concerning this letter may be directed to the undersigned at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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January 25, 2012

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE, SUITE 2040
MILWAUKEE WI 53202-4497

In re Application of :
ABBOTT, NICHOLAS L. ET AL : **DECISION ON PETITION**
Application No. 12/380,751 :
Filed: 03/03/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 960296.00671 : **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 03, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : December 30, 2011

In re Application of :

Gregory Raleigh

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12380759

Filed : 02-Mar-2009

Attorney Docket No : 26WV-160068 [RALEP001]

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 30, 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 2464 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12380759
Filing Date	02-Mar-2009
First Named Inventor	Gregory Raleigh
Art Unit	2464
Examiner Name	PAWARIS SINKANTARAKORN
Attorney Docket Number	26WV-160068 [RALEP001]
Title	VERIFIABLE DEVICE ASSISTED SERVICE POLICY IMPLEMENTATION

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	/Marc A. Sockol/
Name	Marc A. Sockol
Registration Number	40823



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USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE MD 20705-5131

MAILED

SEP 02 2011

OFFICE OF PETITIONS

In re Application of :
PETERSON, et al :
Application No. 12/380,799 : DECISION ON PETITION
Filed: March 4, 2009 :
Attorney Docket No. 0018.06 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before July 27, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 27, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 28, 2011. A Notice of Abandonment was mailed August 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 payment of the issue fee of \$1510; (2) the petition fee of \$1620; and (3) the required 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 processing into a patent.

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



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SONYJP
LERNER DAVID LITTENBERG KRUMHOLZ & MENTLIK, LLP
600 SOUTH AVE WEST
WESTFIELD NJ 07090

MAILED

FEB 16 2012

OFFICE OF PETITIONS

In re Application of :
Masaki Sakurai :
Application No. 12/380,842 : DECISION GRANTING PETITION
Filed: March 4, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SONYJP3.0-583 CONT :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 14, 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 23, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2862 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).

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:	12/380,860	Filing date:	March 4, 2009
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First Named Inventor:	Martin Fornage
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Title of the Invention: METHOD AND APPARATUS FOR A LEAKAGE ENERGY RECOVERY CIRCUIT

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/036101

The international date of the corresponding PCT application(s) is/are:
March 5, 2009

I. List of Required Documents:

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

Is attached

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

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

Is attached.

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

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

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

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR
IPEA**
(continued)

Application No.: 12/380,860

First Named Inventor: Martin Fornage

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 November 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 November 20, 2009**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1 and 2	Claim 2 is cancelled in U.S. and subject matter moved into claim 1
3	3	Dependency changed from claim 2 to claim 1
4	4	Claims are no different
5	5	Dependency changed from claim 2 to claim 1
6	6	Claims are no different
7-8	7-8	Dependency changed from claim 2 to claim 1
9-13	9-13	Claims are no different
14	14 and 15	Claim 15 is cancelled in U.S. and subject matter moved into claim 14
16 and 17	16 and 17	Dependency changed from claim 15 to claim 14
18	18	Claims are no different
19	19	Dependency changed from claim 15 to claim 14
20	20	Claims are no different

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

Signature /Raymond R. Moser, Jr./

Date November 5, 2010

Name (Print/Typed) Raymond R. Moser, Jr.

Registration Number 34,682

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/380,860	03/04/2009	Martin Fornage	EE004	7836
54698	7590	11/25/2010	EXAMINER	
RAYMOND R. MOSER JR., ESQ.			BERHANE, ADOLF D	
MOSER IP LAW GROUP			ART UNIT	PAPER NUMBER
1030 BROAD STREET			2838	
SUITE 203			MAIL DATE	DELIVERY MODE
SHREWSBURY, NJ 07702			11/25/2010	PAPER

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

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



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

In re Application of
Martin FORNAGE
Application No.: 12/380,860
Filed: 04 March 2009
Attorney Docket No.: EE004
For: METHOD AND APPARATUS FOR
A LEAKAGE ENERGY RECOVERY
CIRCUIT

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 08 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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J. ANDREW MCKINNEY & ASSOC., LLC
PO Box 1290
Millersville MD 21108

MAILED

APR 06 2012

In re Application of :
Shridhar Gopalan et al. :
Application No. 12/380,880 : **OFFICE OF PETITIONS**
Filed: March 3, 2009 : **DECISION ON PETITION**
Attorney Docket No. **BWLS34CIP** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 13, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 23, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed October 21, 2011. Accordingly, the date of abandonment of this application is January 24, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870 and the publication fee of \$300, (2) the petition fee of \$930; and (3) a proper statement of unintentional delay.

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : September 8,2011

In re Application of :

David Fernandes

Application No : 12381004

Filed : 06-Mar-2009

Attorney Docket No : 17710-1

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 8,2011

The request is **APPROVED**.

The request was signed by Jason P. Mueller (registration no. 58603) on behalf of all attorneys/agents associated with Customer Number 73896 . All attorneys/agents associated with Customer Number 73896 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 James Kosa
Name2 Deeth Williams & Wall
Address 1 150 York Street
Address 2 Suite 400
City Toronto
State
Postal Code M5H 3S5
Country CA

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12381004	
Filing Date	06-Mar-2009	
First Named Inventor	David Fernandes	
Art Unit	2157	
Examiner Name	JEREMY ENGELSKIRCHEN	
Attorney Docket Number	17710-1	
Title	Normative database system and method	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		73896
The reason(s) for this request are those described in 37 CFR:		
10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	James Kosa Deeth Williams & Wall	
Address	150 York Street Suite 400	
City	Toronto	
State		
Postal Code	M5H 3S5	
Country	CA	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Jason P. Mueller/
Name	Jason P. Mueller
Registration Number	58603



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

**JACK PAAVILA
43 VICTORIA ST., W.
ALEXANDRIA KOC IA0 CA CANADA**

**MAILED
JUN 23 2011
OFFICE OF PETITIONS**

In re Application of :
William Harpell :
Application No. 12/381,031 : **DECISION ON PETITION**
Filed: March 5, 2009 :
Attorney Docket No. 137-21US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 17, 2011, to revive the above-identified application.

The petition under 37 CFR 1.137(b), is hereby **DISMISSED AS MOOT**.

On January 18, 2011, a Notice Requiring Excess Claims Fees (Notice) was mailed to applicant. The Notice set a period for reply of one (1) month or thirty (30) days from the mail date of the Notice. This one-month time period for a patent application may be extended under 37 CFR 1.136(a). Accordingly, the period for reply could potentially be extended to July 18, 2011 with a five-month extension of time.

Currently, a three-month extension of time is required in order for the response of May 17, 2011 to be considered timely filed. Therefore, since petitioner has submitted a petition fee of \$810.00 it will be applied to the \$555.00 three-month required extension of time fee. The overage of \$255.00 will be refunded to petitioner's deposit account in due time.

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

This matter is being referred to Technology Center AU 3727 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed January 10, 2011.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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FELDMAN LAW GROUP
SUITE 1600
12 EAST 41ST STREET
NEW YORK NY 10017

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of :
Mathieu, Michael :
Application No. 12/381,035 :
Filed: March 6, 2009 :
Title: RADIO CONTROLLED FLYING TOY :
OBJECT DEVICE WITH AN INFRA-RED GUN :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Oath/Declaration and \$65.00 late surcharge (both previously submitted on July 14, 2009), (2) the petition fee, and (3) a proper statement of unintentional delay.

A petition under 37 CFR 1.137(b) requires payment of a \$810.00 petition fee. Accordingly, as petitioner only submitted \$270.00, an additional \$540.00 will be charged to petitioner's deposit account as authorized.

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 request to change the address of record should be filed. 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) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3711 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: STEPHEN E. FELDMAN
220 EAST 42ND STREET, SUITE 3304
NEW YORK, NY 10017



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THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON TX 77057

MAILED
DEC 14 2011

OFFICE OF PETITIONS

In re Application of
Brian Keith McGarity
Application No. 12/381,059
Filed: march 6, 2009
Attorney Docket No. McGarity-001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 17, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Jacob Mattis on behalf of all attorneys of record who are associated with customer No. 21897. All attorneys/agents associated with the Customer Number 21897 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed August 18, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: BRIAN KEITH MCGARITY
110 EVANDEDE
SAN ANTONIO, TX 78227



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
12/381,059	03/06/2009	Brian Keith McGarity	McGarity-001

CONFIRMATION NO. 7968

POWER OF ATTORNEY NOTICE



21897
THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON, TX 77057

Date Mailed: 12/12/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/17/2011.

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

/amwise/

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



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/381,063	03/06/2009	Gilbert Keller	33320.03056.US02/ 3056	7830
13565	7590	06/09/2011	EXAMINER	
McKenna Long & Aldridge LLP			SWOPE, SHERIDAN	
4435 Eastgate Mall			ART UNIT	PAPER NUMBER
Suite 400			1652	
San Diego, CA 92121			MAIL DATE	DELIVERY MODE
			06/09/2011	PAPER

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

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



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JUN 09 2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of :
Keller, et al. :
Serial No.: 12/381,063 : PETITION DECISION
Filed: March 6, 2009 :
Attorney Docket No: 33320.03056.US02/ 3056 :

This is in response to the petition filed on May 25, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on June 5, 2009; February 24, 2010; April 21, 2010; and January 7, 2011 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 5, 2009; February 24, 2010; April 21, 2010; and January 7, 2011. 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 5, 2009; February 24, 2010; April 21, 2010; and January 7, 2011 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 5, 2009, "Transmittal Letter" of 5 pages; February 24, 2010, "Transmittal Letter" of 5 pages; April 21, 2010, "Transmittal Letter" of 2 pages; and January 7, 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 June 5, 2009; February 24, 2010; April 21, 2010; and January 7, 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

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

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

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

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3435 or (703) 756-1814



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WWW.USPTO.GOV

Paper No.

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

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of :
Nesmith :
Application No. 12/381,064 : DECISION ON PETITION
Patent No. PP21167 : PURSUANT TO
Filed: March 9, 2009 : 37 C.F.R. § 3.81(B)
Issue Date: July 20, 2010 :
Attorney Docket Number: :
0088564-014US0 :
Title: SOUTHERN Highbush :
Blueberry plant named :
'SUZIBLUE' :

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b)¹, filed September 15, 2010, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

Petitioner states that form PTOL-85(b), submitted to the Office on April 5, 2010, failed to list "the name of the intended Assignee," since the "assignment was not executed until August 2, 2010."²

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

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

¹ See Official Gazette, June 22, 2004.

² Petition, page 1.

The present request pursuant to 37 C.F.R. § 3.81(b) was accompanied by the petition fee, a request for a certificate of correction and the associated fee, a copy of the assignment, and a copy of the notice of recordation that establishes that the assignment (that contains the correct assignee) was recorded in the Office on August 10, 2010.

Petitioner has failed to comply with the provisions of this title, and as such, the request cannot be granted. It is clear that the assignment was not submitted for recordation as set forth in 37 C.F.R. § 3.11 before the issuance of this patent (the patent issued on July 20, 2010, the assignment was executed on August 2, 2010, and the assignment was submitted for recordation on August 10, 2010).

Hence, the petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 3.81(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail³, hand-delivery⁴, or facsimile⁵. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁶.

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.

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 Dulany Street, Alexandria, VA, 22314.

5 (571) 273-8300- please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁷.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁷ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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April 21, 2011

OSI PHARMACEUTICALS, INC.
420 Saw Mill River Road
Ardsley NY 10502

In re Application of :
John D. Haley, et al : **DECISION ON PETITION**
Application No. 12381082 :
Filed: 03/06/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. OS-10079US : **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 6, 2009.

The petition is **GRANTED**.

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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MERCK
P O BOX 2000
RAHWAY NJ 07065-0907

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Patent of Ohtake, et al. : DECISION ON REQUEST
Patent No. 7,834,182 : FOR RECONSIDERATION OF
Issue Date: November 16, 2010 : PATENT TERM ADJUSTMENT
Application No. 12/381,099 :
Filed: March 6, 2009 :
Docket No. BAN-NOP-0031-US-DIV :

This is a decision on the petition filed on January 14, 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 thirty (30) 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 thirty (30) days is **dismissed**.

On November 16, 2010, the above-identified application matured into U.S. Patent No. 7,834,182 with a patent term adjustment of 0 days.

This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 1.705(d).

The patent issued with a revised Patent Term Adjustment of 0 days. The PTA was reduced by 40 days pursuant to 37 C.F.R. § 1.704(c)(10) for the submission of an amendment under 37 CFR 1.312 on October 8, 2010. This amendment was filed after the July 9, 2010 mailing of a Notice of Allowance.

The reduction of 40 days is at issue. Patentees contend that applicants did not engage in behavior that reasonably would be considered as failing in efforts to conclude prosecution of the application by filing the October 8, 2010 amendment under 37 CFR

1.312 because the amendment was expressly requested by the examiner. Patentees point to 37 CFR 1.704(c)(8), which provides that a supplemental paper expressly requested by the examiner will not be grounds for reduction.

The reduction has been considered and the reduction is found to be warranted. It is undisputed that an amendment was filed on October 8, 2010, after the mailing of the Notice of Allowance. This was properly a basis for reduction of patent term adjustment pursuant to § 1.704(c)(10). 37 CFR 1.704(c)(8) is inapplicable.

37 CFR § 1.704(c)(10) provides that:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

As stated in MPEP 2732:

37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process.

Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See *Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following

papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA and the Office). Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations.

Patentees' attention is drawn to the fact that an amendment under 37 CFR 1.312 **is** a paper that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application. There is no "expressly requested by the examiner" exemption in 37 CFR 1.704(c)(10).

Accordingly, the Office properly entered a 40 day reduction, counting the number of days in the period beginning on the date the amendment under 37 CFR 1.312 was filed, October 8, 2010, and ending on November 16, 2010, the date the patent issued.

The patent term adjustment remains zero (0) days. (30 days Office delay minus 40 days Applicant delay)

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

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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**WILLIAM H. QUIRK
TUGGEY ROSENTHAL PAUERSTEIN
SANDOLOSKI AGATHER LLP
755 EAST MULBERRY AVE., SUITE 200
SAN ANTONIO TX 78212**

**MAILED
JUL 18 2011
OFFICE OF PETITIONS**

In re Application of :
Richard A. Jarvis :
Application No. 12/381,102 : **ON PETITION**
Filed: March 6, 2009 :
Attorney Docket No. 81214.00002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 16, 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 25, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is April 26, 2011. The Notice of Abandonment was mailed June 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

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 contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement

required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the petition.

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

This application is being referred to Technology Center AU 1777 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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Norman B. Rainer
2008 Fondulac Road
Richmond, VA 23229

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of
Wendell Neil Harris
Application No. 12/381,128
Filed: March 9, 2009
Attorney Docket No. N/A

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:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed March 1, 2011, to revive the above-identified application.

The application was held abandoned as a result of petitioner's failure to file a proper response to the Notice of Non-Compliant Amendment (37 CFR 1.121) (Notice) mailed July 26, 2010, which set a one month or thirty day time limit, whichever is longer, from the mail date of the Notice to respond. A reply was due on or before August 27, 2010. Since no reply and/or extensions of time were obtained, a Notice of Abandonment was mailed on February 15, 2011.

The petition under 37 CFR 1.137(a) is **dismissed as moot**, since the present petition is properly treated as a petition under 37 CFR 1.181 (no fee), to withdraw the holding of abandonment.

Petitioner states that the Notice mailed July 26, 2010, was never received¹.

A review of the written record indicates no irregularity in the mailing of the Notice dated July 26, 2010, and, in the absence of any irregularity, there is a strong presumption that Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received.

The showing required to establish nonreceipt of an Office communication must include:

- (1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application

¹ A courtesy copy of the Notice is enclosed for completion of petitioner's records.

number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

The petition satisfies the above-stated requirements. Therefore, the petition under 37 CFR 1.181 is **granted**.

In view of the above, the Notice of Abandonment is hereby **vacated** and the holding of abandonment is **withdrawn**.

The \$270 petition fee is being refunded to petitioner by Treasury Check, in due course.

This application is being referred to the Technology Center Art Unit 3673 for review of the amendment submitted with the present petition on March 1, 2011.

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


Andrea Smith
Petitions Examiner
Office of Petitions


David Byed
Petitions Examiner

Enclosure: Courtesy copy of the Notice mailed July 26, 2010.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

e 07/26/2010

Norman B. Rainer
2008 Fondulac Road
Richmond, VA 23229

Paper No.

Application No.: 12/381,128 	Date Mailed: 07/26/2010
First Named Inventor: Harris, Wendell, Neil	Examiner: WILSON, BRITTANY M
Attorney Docket No.:	Art Unit: 3673
Confirmation No.: 8679	Filing Date: 03/09/2009

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

Commissioner for Patents

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 12/381,128	Applicant(s) HARRIS, WENDELL NEIL
		Art Unit 2600

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 15 July, 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /NICHELE PETERSON/

Telephone No: (571)272-7273



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/381,144	03/05/2009	Eric C. Leuthardt	0307-002-002-000000	3401
44765	7590	04/09/2012	EXAMINER	
THE INVENTION SCIENCE FUND CLARENCE T. TEGREENE 11235 SE 6TH STREET SUITE 200 BELLEVUE, WA 98004			LLOYD, EMILY M	
			ART UNIT	PAPER NUMBER
			3736	
			MAIL DATE	DELIVERY MODE
			04/09/2012	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.



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THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

In re Application of:
LEUTHARDT, ERIC C. et al
Serial No. 12/381,144
Filed: March 5, 2009
Docket: 0307-002-002-000000

Title: POSTURAL INFORMATION
SYSTEM AND METHOD

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed March 29, 2012 under 37 CFR § 1.181 requesting withdrawal of holding of abandonment and withdrawal of the Requirement for Information under 37 CFR § 1.105 as set forth in the non-final Office action mailed April 4, 2011.

The petition is **granted**.

In finding petitioner's points of argument persuasive, the requested relief is granted. As such, the Requirement for Information under 37 CFR § 1.105 as stated in the Office action issued on April 4, 2011 is deemed satisfied. The Office will accept the applicant's responses with associated terminal disclaimers filed on September 6, 2011 and September 24, 2011 as summarized in the in the current petition as a complete response to the Requirement for Information made on April 4, 2011. However, this decision will not disturb any rejections made by the examiner because any adverse patentability decision on claims is an appealable matter.

Since the Requirement for Information of April 4, 2011 is satisfied, and the holding of abandonment is now withdrawn, the application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3736 for preparation of an Office action to the amendment filed under 37 CFR § 1.111 on July 1, 2011, as supplemented by the terminal disclaimers filed on September 6, and September 24, 2011.

Any inquiry regarding this decision should be directed to Josie Ballato, Quality Assurance Specialist, at (571) 272-3567.


Angela D. Sykes, Director
Technology Center 3700



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Everett Todd
1603 S. 34th St.
Louisville KY 40211

MAILED

SEP 10 2010

In re Application of : **OFFICE OF PETITIONS**
Everette L. Todd, Jr. :
Application No. 12/381,174 : **DECISION ON PETITION**
Filed: March 09, 2009 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2010, and supplemented on August 11, 2010, to revive the above-identified application.

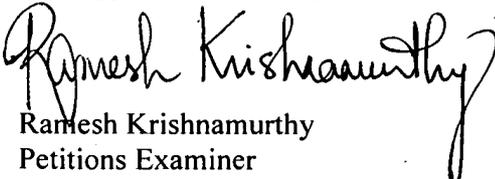
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 31, 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 June 01, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the correct drawing, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of March 31, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

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


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of :
Krzywicki et al. :
Application No. 12/381,284 :
Filed: March 10, 2009 :
Attorney Docket No. 9822.20368-PROV FOR :

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2011.

The request is **APPROVED**.

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

The request was signed by Gareth K. Galster on behalf of all attorneys of record who are associated with Customer Number 26308.

All attorneys/agents associated with the Customer Number 26308 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed March 14, 2011 that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Van B. Krzywicki
122 Fish Cabin Road
Glen Spey, NY 12737



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Paper No.

Charles L. Hawkins
3097 Anderson Road
Green Cove Springs FL 32043

MAILED

JAN 23 2012

OFFICE OF PETITIONS

In re Application of :
Charles L. Hawkins. :
Application No. 12/381,286 : DECISION ON PETITION
Filed: March 10, 2009 : PURSUANT TO
Title: REPOSITIONER : 37 C.F.R. § 1.137(B)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 23, 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 May 4, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on August 5, 2011. A notice of abandonment was mailed on December 6, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was

unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on December 23, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning this application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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 displaying a visualization of electrical power associated with the operation of a DG as a level of color saturation and hue intensity. Such a visualization presents power data associated with a DG in a readily understandable format that enables efficient DG monitoring and trouble-shooting. As such, a DG may be more efficiently operated.

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: August 23, 2010

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

MOSER IP LAW GROUP
1030 Broad Street – 2nd Floor
Shrewsbury, NJ 07702
(732) 935-7100



MAIL

SEP 15 2010

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

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

In re Application of	:	
SMITH, BENJAMIN, et al.	:	DECISION ON PETITION
Application No. 12/381,301	:	TO MAKE SPECIAL UNDER
Filed: March 11, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. EE016	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 23, 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 inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

The application is being forwarded to the Technology Center Art Unit 2628 for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600



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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March 8, 2012

JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309

In re Application of :
Choukri Ben Mamoun : **DECISION ON PETITION**
Application No. 12381326 :
Filed: 03/10/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 57885-357196 : **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 10, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

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



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HOLLSTEIN KEATING CATTELL JOHNSON & GOLDSTEIN PC
WILLOW RIDGE EXECUTIVE OFFICE PARK
750 RT. 73 S., SUITE 301
MARLTON NJ 08053

MAILED

SEP 21 2010

In re Application of	:	OFFICE OF PETITIONS
Vosbikian et al.	:	
Application No. 12/381,346	:	ON PETITION
Filed: March 11, 2009	:	
Attorney Docket No. 2262.00008	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 1, 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. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3632 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions



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TRIANGEL PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH NC 27611-8539

MAILED

SEP 02 2011

OFFICE OF PETITIONS

In re Application of :
GROSS, et al :
Application No. 12/381,386 : **ON PETITION**
Filed: March 11, 2009 :
Attorney Docket No. 4073-002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely file corrected drawings fee on or before July 1, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 1, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 2, 2011. A Notice of Abandonment was mailed July 18, 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) (3).

With respect to item (3): The petition filed August 2, 2011, was not accompanied by an unintentional statement as set out under 37 CFR 1.137(b). 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 was not provided, the petition cannot be granted at this time.

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

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

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

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

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

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

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



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United States Patent and Trademark Office
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TRIANGLE PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH NC 27611-8539

MAILED

JAN 13 2012

OFFICE OF PETITIONS

In re Application of :
GROSS, et al :
Application No. 12/381,386 :
Filed: March 11, 2009 :
Attorney Docket No. 4073-002 :

ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file corrected drawings on or before July 1, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 1, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 2, 2011. A Notice of Abandonment was mailed July 18, 2011.

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

The corrected drawings filed will be directed to the appropriate office for further processing.

The petition fee of \$930 submitted December 13, 2011, is unnecessary, since the fee was previously paid on August 2, 2011. 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 the undersigned at (571) 272-6735.

All other inquiries should be directed to the Patent Publication Branch at (571) 272-4200.

The application is being referred to the Patent Publication Branch for processing into a patent.

/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
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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
SHAFAER :
Application No. 12/381,391 :
Filed: March 10, 2009 :
Attorney Docket No. 4297.TIMB.PT :
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorneys of record were not appointed through use of Customer Number 26986, as indicated. Any future submission should include the proper designation by which the attorneys were appointed to assist the Office in reviewing and to expedite processing.

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

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

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

cc: **BRYAN SHAFER**
2249 SOUTH 2700 WEST
SALT LAKE CITY UT 84119



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.
12/381,406	03/10/2009	Scott A. Meyer	658292003500	2187
61537	7590	05/13/2011	EXAMINER	
Carl Zeiss Meditec c/o Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105-2482			HUYNH, PHONG	
			ART UNIT	PAPER NUMBER
			3737	
			NOTIFICATION DATE	DELIVERY MODE
			05/13/2011	ELECTRONIC

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

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

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

drcaldwell@mofo.com
EOfficeSF@mofo.com
PatentDocket@mofo.com



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Carl Zeiss Meditec c/o Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

In re Application of: Meyer et al.)
Application No. 12/381,406)
Filed: March 10, 2009)
For: IMAGING OF POLARIZATION) **DECISION ON PETITION UNDER 37**
SCRAMBLING TISSUE) **C.F.R. § 1.84(a)(2) TO ACCEPT**
) **COLOR DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed March 10, 2009, requesting acceptance of color drawings.

The petition requests that the color drawing, figure 5c, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and 3 (three) sets of color drawings of figure 5c. The specification at page 1, paragraph 002 did contain the required notification described above.

The petition is **GRANTED**.

/BRIAN CASLER/
Supervisory Patent Examiner, Art Unit 3737
Technology Center 3700



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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.
12/381,407	03/10/2009	Nguyen The Tran	JU-36595	6313

71433 7590 11/30/2010
Jason Y. Pahng and Associates, LLC
12178 Bridgend Run
Fairfax, VA 22030

EXAMINER

NEILS, PEGGY A

ART UNIT	PAPER NUMBER
2885	

NOTIFICATION DATE	DELIVERY MODE
11/30/2010	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):

jpahng@yahoo.com
jason.pahng@gmail.com

Art Unit: 2885



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Jason Y. Pahng and Associates, LLC
12178 Bridgend Run
Fairfax, VA 22030

In re Application of:
NGUYEN TRAN
Application Serial No.: 12/381,407
Filed: March 10, 2009
For: Lamp-Cover Structure Containing Luminescent
Material

:
: **DECISION ON PETITION**
: **TO CORRECT**
: **INVENTORSHIP**
: **37 CFR § 1.48 (a)**
:
:
:

This is a decision on the petition under 37 C.F.R. § 1.48 (a) filed October 26, 2010, to correct Inventorship in the above-identified Patent Application.

The instant application was filed March 10, 2009 listing Nguyen The Tran as the only inventor. Petition requests that the above-identified application amend the inventorship to add the following inventors, which were unintentionally omitted.

Yongzhi He

Frank Shi

Based on the filed record as a whole and the facts as set forth and in the petition, the error in inventorship occurred without deceptive intent and was diligently corrected.

Accordingly, the petition is **GRANTED.**

The application is being forwarded to the technical support staff for the name correction, and will then be returned to the examiner to continue the examining process.

Jong-Suk (James) Lee
Supervisory Patent Examiner
Art Unit 2885



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MAILED

AUG 08 2011

OFFICE OF PETITIONS

**BERGMAN & SONG, LLP
P.O. BOX 400198
CAMBRIDGE MA 02140**

In re Application of :
Jan-Peter SCHENKENGEL : ON PETITION
Application No. 12/381,412 :
Filed: March 10, 2009 :
Atty. Docket No.: SS1202-0001-P001 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed April 2, 2009 (Notice), which set a shortened period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned June 3, 2009. A Notice of Abandonment was mailed December 11, 2009.

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, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

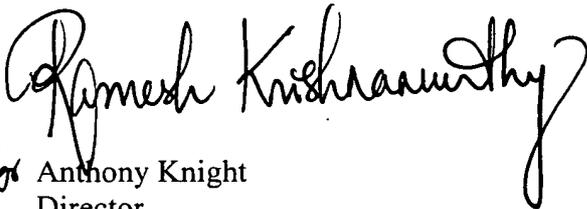
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$865.00 extension of time fee submitted with the petition on July 10, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. *See* 37 CFR 10.18(b) and *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 *Fed. Reg.* 53131, 53178 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* 63, 103 (October 21, 1997).

In the event that 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 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 Patent Application Processing for further processing.


for Anthony Knight
Director
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paul M. Denk
Ste. 305
763 South New Ballas Rd.
St. Louis MO 63141

MAILED

DEC 01 2011

OFFICE OF PETITIONS

In re Application of :
Robert E. Williams, Jr. :
Application No. 12/381440 : **ON PETITION**
Filing Date: 03/12/2009 :
Attorney Docket Number: 7823 :

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

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 11, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

Applicant filed replies to the Office action on February 1, 2011, February 28, 2011, and April 13, 2011; however, the replies failed to place the application in condition for allowance. Applicant was so notified in Advisory Actions mailed February 8, 2011, March 10, 2011, and August 2, 2011 respectively. Accordingly, the date of abandonment of this application is April 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Terminal Disclaimer; (2) the petition fee; and (3) a statement of unintentional delay¹. The Terminal Disclaimer filed with the petition has been approved.

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

¹ 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." 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.

This application is being referred to Technology Center AU 3611 for appropriate action by the Examiner in the normal course of business on the amendment in accordance with 37 CFR 1.114.

A handwritten signature in cursive script, appearing to read "Derek L. Woods".

Derek L. Woods
Attorney
Office of Petitions



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URANIA JUANG
266 E. GISH ROAD
SAN JOSE, CA 95112

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of :
Ioelovich et al. :
Application No. 12/381,564 :
Filed: March 13, 2009 :
Attorney Docket No. FIGOVSKY-004 :

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 21, 2010.

The request is **NOT APPROVED**.

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

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

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

There are no outstanding Office actions that require a reply.

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

Alicia Kelley
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 16 2010

OFFICE OF PETITIONS

**URANIA JUANG
266 E. GISH ROAD
SAN JOSE, CA 95112**

In re Application of	:	
Ioelovich et al.	:	DECISION ON PETITION
Application No. 12/381,564	:	TO WITHDRAW
Filed: March 13, 2009	:	FROM RECORD
Attorney Docket No. FIGOVSKY-004	:	

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

The request is **NOT APPROVED**.

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

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

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Although the current request is properly withdrawing as attorney via customer number, the request still cannot be approved. The change of correspondence address can only be that of, the first named inventor or the assignee of record.

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

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


Alicia Kelley
Petitions Examiner
Office of Petitions

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: **SP007** Application Number (if known): **12/381,588** Filing date: **March 13, 2009**

First Named Inventor: **Sergey V. Frolov**

Title: **Stretchable Photovoltaic Devices**

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: Petition to make special including statements of special status

Signature **/Robert M. Brush/**

Date **8/12/2010**

Name (Print/Typed) **Robert M. Brush**

Registration Number **45,710**

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.

**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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Sergey V. Frolov et al.	§	
Serial No.: 12/381,588	§	Atty. Docket No.: SP007
Confirmation No.: 2304	§	Group Art Unit: 1795
Filed: March 13, 2009	§	Examiner: Basia Anna Ridley
For: Stretchable Photovoltaic Devices and Carriers	§	
	§	
	§	
	§	

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

Applicants request the Office enter this Petition to Make Special under the Green Technology Pilot Program as set forth in 74 Fed. Reg. 64666 as modified by 75 Fed. Reg. 28554.

Satisfaction of Requirements

The requirements for a petition to make special under the Green Technology Pilot program are set forth in 74 Fed. Reg. 64666 as modified by 75 Fed. Reg. 28554. The present application satisfies the requirements as follows:

A. Application type

The application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a) filed March 13, 2009, which is before the publication date of 74 Fed. Reg. 64666 of December 8, 2009.

B. Classification

The classification requirements set forth in 74 Fed. Reg. 64666 were waived as set forth in 75 Fed. Reg. 28554.

C. Claims

Applicants submit herewith a preliminary amendment of the claims such that the present application has three independent claims and twenty total claims.

D. Eligibility

The claims in the present application are directed to a single invention that at least materially contributes to the discovery or development of renewable energy resources. See "Statements of Special Status" set forth below. Applicants agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements if the Office determines that the claims are not directed to a single invention.

E. Filing

The present petition is being filed electronically prior to December 8, 2010 using the USPTO electronic filing system EFS-Web along with form PTO/SB/420 attached hereto.

F. Office Action Status

The present petition is being filed at least one day before issuance of an office action.

G. Publication

Applicants hereby request early publication under 37 C.F.R. 1.219 along with the publication fee set forth in 37 C.F.R. 1.18(d).

Statement of Special Status

Applicants submit that the claims in the present application are directed to an invention that at least materially contributes to the discovery or development of renewable energy resources, as set forth in Section III of 74 Fed. Reg. 64666 in an MPEP 708.02. The term “renewable energy resources” is defined to specifically include solar energy resources, to which the present application pertains. In particular, the claims of the present application pertain to a stretchable photovoltaic device, module, and carrier. The stretchable photovoltaic device can be used in solar power generation applications that require non-planar and/or arbitrary form factors. Legacy photovoltaic cells are rigid and can be damaged or otherwise made inoperable if subjected to flexing, bending, elongating, compressing, etc. forces present in non-planar and/or arbitrary form factor solar power applications. Embodiments of the claimed invention in the present application can be used to expand the applicability of solar power generation in industrial, commercial, and/or home settings, where non-planar and/or arbitrary form factors for the solar power devices are required.

CONCLUSION

Applicants respectfully request that the Office accept this Petition to Make Special under the Green Technology Pilot Program.

Respectfully submitted,

Moser IP Law Group

Date: August 12, 2010

By: /Robert M. Brush/
Robert M. Brush
Registration No. 45,710

MOSER IP LAW GROUP
1030 Broad Street – 2nd Floor
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
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/381,588	03/13/2009	Sergey V. Frolov	SP007	2304
54698	7590	09/08/2010	EXAMINER	
RAYMOND R. MOSER JR., ESQ. MOSER IP LAW GROUP 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			RIDLEY, BASIA ANNA	
			ART UNIT	PAPER NUMBER
			1795	
			MAIL DATE	DELIVERY MODE
			09/08/2010	PAPER

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

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



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

SEP 08 2010

In re Application of	:	
Frolov et al.	:	DECISION ON PETITION
Application No. 12/381,588	:	TO MAKE SPECIAL UNDER
Filed: 3/13/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. SP007	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 8/12/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

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

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

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

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

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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: **SP008** Application Number (if known): **12/381,589** Filing date: **March 13, 2009**

First Named Inventor: **Sergey V. Frolov**

Title: **Formation of Stretchable Photovoltaic Devices and Carriers**

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: Petition to make special including statements of special status

Signature **/Robert M. Brush/**

Date **8/12/2010**

Name (Print/Typed) **Robert M. Brush**

Registration Number **45,710**

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.

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.

Satisfaction of Requirements

The requirements for a petition to make special under the Green Technology Pilot program are set forth in 74 Fed. Reg. 64666 as modified by 75 Fed. Reg. 28554. The present application satisfies the requirements as follows:

A. Application type

The application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a) filed March 13, 2009, which is before the publication date of 74 Fed. Reg. 64666 of December 8, 2009.

B. Classification

The classification requirements set forth in 74 Fed. Reg. 64666 were waived as set forth in 75 Fed. Reg. 28554.

C. Claims

The present application includes two independent claims and 20 total claims.

D. Eligibility

The claims in the present application are directed to a single invention that at least materially contributes to the discovery or development of renewable energy resources. See "Statements of Special Status" set forth below. Applicants agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements if the Office determines that the claims are not directed to a single invention.

E. Filing

The present petition is being filed electronically prior to December 8, 2010 using the USPTO electronic filing system EFS-Web along with form PTO/SB/420 attached hereto.

F. Office Action Status

The present petition is being filed at least one day before issuance of an office action.

G. Publication

Applicants hereby request early publication under 37 C.F.R. 1.219 along with the publication fee set forth in 37 C.F.R. 1.18(d).

Statement of Special Status

Applicants submit that the claims in the present application are directed to an invention that at least materially contributes to the discovery or development of renewable energy resources, as set forth in Section III of 74 Fed. Reg. 64666 in an MPEP 708.02. The term “renewable energy resources” is defined to specifically include solar energy resources, to which the present application pertains. In particular, the claims of the present application pertain to formation of stretchable photovoltaic devices and carriers. The stretchable photovoltaic devices can be used in solar power generation applications that require non-planar and/or arbitrary form factors. Legacy photovoltaic cells are rigid and can be damaged or otherwise made inoperable if subjected to flexing, bending, elongating, compressing, etc. forces present in non-planar and/or arbitrary form factor solar power applications. Embodiments of the claimed invention in the present application can be used to expand the applicability of solar power generation in industrial, commercial, and/or home settings, where non-planar and/or arbitrary form factors for the solar power devices are required.

CONCLUSION

Applicants respectfully request that the Office accept this Petition to Make Special under the Green Technology Pilot Program.

Respectfully submitted,

Moser IP Law Group

Date: August 12, 2010

By: /Robert M. Brush/
Robert M. Brush
Registration No. 45,710

MOSER IP LAW GROUP
1030 Broad Street – 2nd Floor
Shrewsbury, NJ 07702
(732) 935-7100



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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.
12/381,589	03/13/2009	Sergey V. Frolov	SP008	6050
54698	7590	09/01/2010	EXAMINER	
RAYMOND R. MOSER JR., ESQ. MOSER IP LAW GROUP 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			LINDSAY JR, WALTER LEE	
			ART UNIT	PAPER NUMBER
			2812	
			MAIL DATE	DELIVERY MODE
			09/01/2010	PAPER

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

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



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

In re Application of	:	
FROLOV et al.	:	DECISION ON PETITION
Application No. 12/381,589	:	TO MAKE SPECIAL UNDER
Filed: 13 March 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. SP008	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 12 August 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 2812 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



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MANOUCHEHR BARCOHEN
101 CALIFORNIA AVE. # 1004
SANTA MONICA, CA 90403-3523

Applicant: Manouchehr Barcohen
Appl. No.: 12/381,656
Filing Date: March 16, 2009
Title: GREEN ENERGY
Attorney Docket: NONE
Pub. No.: 2010/0230970 A1
Pub. Date: September 16, 2010

MAILED

AUG 10 2011

OFFICE OF PETITIONS

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on October 27, 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 publication wherein figure 5 applicant used the character "pond (5) instead of (25)". Applicant additionally notes errors on the bottom of page 4 and on page 15 of the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor with respect to figure 5 wherein he mistakenly used the character "pond (5) instead of (25)", is not Office error and will not be corrected. The Office does not correct errors made by applicant. The errors noted by applicant on pages 4 and 15 of the publication could not be identified.

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

¹Changes 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 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



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

Todd A. Norton
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia PA 19103-6996

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of :
Robb Fujioka :
Application No. 12/381,663 :
Filed: March 13, 2009 :
Attorney Docket No. 203103-0006-00-US (436206) :

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 22, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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

Todd A. Norton
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia PA 19103-6996

MAILED

AUG 01 2011

In re Application of	:	OFFICE OF PETITIONS
Robb Fujioka	:	
Application No. 12/381,663	:	DECISION ON PETITION
Filed: March 13, 2009	:	TO WITHDRAW
Attorney Docket No. 203103-0006-00-US (436206)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 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 Edward F. Behm, Esq., on behalf of all attorneys/agents associated with customer number 23973. All attorneys/agents associated with customer number 23973 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: Robb Fujioka
1701 N. Meadows Avenue
Manhattan Beach, CA 90266



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/381,663	03/13/2009	Robb Fujioka	203103-0006-00-US (436206

CONFIRMATION NO. 3522

POWER OF ATTORNEY NOTICE

Todd A. Norton
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996



Date Mailed: 07/27/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/14/2011.

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

/kainabinet/

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



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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED
OCT 20 2011
OFFICE OF PETITIONS

In re Application of :
Michael W. Januszewski et al. :
Application No. 12/381,685 : **DECISION ON PETITION**
Filed: March 16, 2009 :
Attorney Docket No. 24582US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 17, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 18, 2010. A Notice of Abandonment was mailed on December 9, 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 \$930, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

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

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

This application is being referred to Technology Center AU 2836 for appropriate action by the Examiner in the normal course of business on the reply received October 7, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/381,685	03/16/2009	Michael W. Januszewski	24582US01

CONFIRMATION NO. 2338

POA ACCEPTANCE LETTER

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661



Date Mailed: 10/14/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/07/2011.

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.

/kainabinet/

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



ANDREW W. LUDY
17 SHERWOOD WAY
P.O. BOX 418
MT. ARLINGTON NJ 07856

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of :
David M. Thompson :
Application No. 12/381,688 :
Filed: March 16, 2009 :
Attorney Docket No.: 1114 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),¹ filed September 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application was held abandoned on July 7, 2009 and a Notice of Abandonment was mailed January 19, 2010 for the applicant's failure to file a response to the Notice to File Corrected Application Papers mailed May 5, 2009. A petition filed March 4, 2010 under 37 CFR 1.181 was dismissed in a decision mailed June 22, 2010.

Comes now petitioner with the instant petition and a one month extension of time.

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 is acknowledged.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

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

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The 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 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/381,703	03/16/2009	Ralf Berger	6067-07204	3978
65132	7590	04/15/2011	EXAMINER	
M.H.K.K.G., P.C. / ADOBE SYSTEMS INCORPORATED			HARRISON, CHANTE E	
Robert C. Kowert			ART UNIT	PAPER NUMBER
P.O. BOX 398			2628	
AUSTIN, TX 78767-0398			NOTIFICATION DATE	DELIVERY MODE
			04/15/2011	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):

- patent_docketing@intprop.com
- ptomhkk@gmail.com
- dpoudrier@intprop.com



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April 13, 2011

M.H.K.K.G., P.C. / ADOBE SYSTEMS INCORPORATED
Robert C. Kowert
P.O. BOX 398
AUSTIN TX 78767-0398

In re Application of :
Ralf Berger, et al : **DECISION ON PETITION**
Application No. 12381703 :
Filed: 03/16/2009 :
Attorney Docket No. 6067-07204 :

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 16, 2009.

The petition is **DISMISSED**.

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

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 2 3

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/381,703	03/16/2009	Ralf Berger	6067-07204	3978

7590 06/28/2011
M.H.K.K.G., P.C. / ADOBE SYSTEMS INCORPORATED
Robert C. Kowert
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

HARRISON, CHANTE E

ART UNIT PAPER NUMBER

2628

NOTIFICATION DATE DELIVERY MODE

06/28/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

June 26, 2011

M.H.K.K.G., P.C. / ADOBE SYSTEMS INCORPORATED
Robert C. Kowert
P.O. BOX 398
AUSTIN TX 78767-0398

In re Application of	:	
Ralf Berger et al.	:	DECISION ON PETITION
Application No. 12381703	:	
Filed: 03/16/2009	:	ACCEPTANCE OF COLOR
Attorney Docket No. 6067-07204	:	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) June 13, 2011.

The petition is **GRANTED**.

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

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

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

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/381,704	03/16/2009	Bert A. Silich	SILI 0104 PUS	3225
22045 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075	7590 01/28/2011		EXAMINER SMITH, GARRETT A	
			ART UNIT 2168	PAPER NUMBER
			MAIL DATE 01/28/2011	DELIVERY MODE PAPER

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

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



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

In re Application of:
SILICH, Bert
Application No. 12/381,704
Filed: March 16, 2009
For: **USER-DETERMINABLE METHOD AND
SYSTEM FOR MANIPULATING AND
DISPLAYING TEXTUAL AND
GRAPHICAL INFORMATION**

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.84(a)(2)
TO ACCEPT COLOR
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on March 16, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 2A-2C and 4-27 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 2A-2C and 4-27. Page 5, lines 5-8, of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

Eddie C. Lee

Eddie C. Lee
Quality Assurance Specialist, TC 2100



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PETER J. VAN BERGEN
402 WEST DUKE OF GLOUCESTER STREET
WILLIAMSBURG VA 23185

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Richard M. Nee :
Application No. 12/381,722 : DECISION ON PETITION
Filed: March 16, 2009 :
Attorney Docket No. **460840.000007** :

This is a decision on the petition under 37 CFR 1.182, filed, February 16, 2011, to change the name of inventor "M. Richard Nee" to --Richard M. Nee --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

When changes are being made to information supplied in a previously filed Oath or Declaration applicants are strongly encouraged to submit a supplemental application data sheet (ADS) showing the change of the inventors names. The newly submitted application data sheet (ADS) must be titled "Supplemental Application Data Sheet". See 37 CFR 1.76(c)(2) and MPEP § 605.04(c).

Any questions concerning this matter may be directed to JoAnne Burke at (571) 272-4584. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Data Management for the normal course of business.

JoAnne Burke
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
12/381,722	03/16/2009	1772	545	VBBIOSCREENS	20	3

CONFIRMATION NO. 7095

CORRECTED FILING RECEIPT

41041
PETER J. VAN BERGEN
402 WEST DUKE OF GLOUCESTER STREET
WILLIAMSBURG, VA 23185



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)

RICHARD M. NEE, Virginia Beach, VA;

Assignment For Published Patent Application

BioScreens, Inc.

Power of Attorney:

Peter Van Bergen--32178

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/069,722 03/17/2008

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: 03/31/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/381,722**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SPECIMEN CUP SYSTEM FOR SAMPLE TESTING AND SECURE RETENTION

Preliminary Class

422

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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



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Paper No.

William R. Trueba, Jr.
Espinosa Trueba PL
3001 S.W. 3rd Avenue
Miami FL 33129

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of :
Antonio Diaz : DECISION ON PETITION
Application No. 12/381,795 :
Filed: March 16, 2009 :
Title: **ROOF TARP SYSTEM AND** :
METHOD FOR USE :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 30, 2011.

The petition is **GRANTED**.

On December 22, 2010, a non-final Office action was mailed in the above-identified application. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply filed and no extension of time obtained, the application became abandoned effective March 23, 2010. A courtesy Notice of Abandonment was mailed on July 19, 2011.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay, and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

All requirements of 37 CFR 1.137(b) have been met.

Technology Center AU 3635 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the amendment submitted on petition filed September 30, 2011.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" being more prominent than the last name "Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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:	12/381,809	Filing date:	March 17, 2009
-----------------	------------	--------------	----------------

First Named Inventor:	Martin Fornage
-----------------------	----------------

Title of the Invention: METHOD AND APPARATUS FOR MEASURING AC VOLTAGES

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

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

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

PCT/US2009/037393

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

The international date of the corresponding PCT application(s) is/are:

March 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.

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.
12/381,809	03/17/2009	Martin Fornage	EE017	2533
54698	7590	11/30/2010	EXAMINER	
RAYMOND R. MOSER JR., ESQ. MOSER IP LAW GROUP 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			NGUYEN, HOAI AN D	
			ART UNIT	PAPER NUMBER
			2858	
			MAIL DATE	DELIVERY MODE
			11/30/2010	PAPER

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

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



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

In re Application of

Martin FORNAGE

Application No.: 12/381,809

Filed: 17 March 2009

Attorney Docket No.: EE017

**For: METHOD AND APPARATUS FOR
MEASURING AC VOLTAGES**

**: 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 05 November 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

Conditions (1-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (7).

Regarding the requirement of condition (7), applicant has failed submit an IDS listing all the documents cited by the PCT examiner in the international work product along with copies of documents. Specifically, applicant has failed to cite and provide a copy of JP 2007-298426.

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

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PCT.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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



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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Martin Fornage

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§

Group Art Unit: 2858

Serial No.: 12/381,809

Examiner: Nguyen, Hoai An D

Confirmation No.: 2533

Filed: March 17, 2009

For: METHOD AND APPARATUS
FOR MEASURING AC VOLTAGES

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

**Response to Decision on Request for Participation in the Patent Cooperation
Treaty – Patent Prosecution Highway (PCT-PPH)**

Sir:

Applicants request the Office enter this response.

Response to Decision on Request for Participation in the PCT-PPH Program

The Office dismissed Applicant's Request for Participation in the PCT-PPH Pilot Program as not meeting all of the conditions for participation in the PPH program. The Office states that Applicant has failed to submit an IDS listing all of the documents cited by the PCT examiner in the international work product along with copies of documents – specifically, Applicant failed to cite and provide a copy of JP2007-298426.

Applicant notes that patent application publication JP2007-298426 is also published as U.S. patent application publication US2008/0265901, which has been cited in an IDS previously filed August 31, 2009. As such, Applicant contends that all of the conditions for participation in the PPH program have been met.

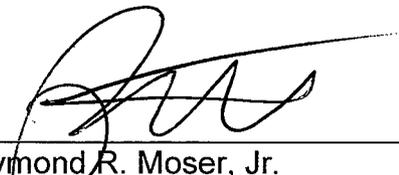
Accordingly, Applicant respectfully requests that the Request for Participation in the PCT-PPH Pilot Program be approved.

CONCLUSION

If the Office believes that any unresolved issues exist, the Office is invited to call the undersigned attorney directly at 732-978-4890 or the office of the undersigned attorney at 732-978-7100 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Date: 12-6-10

By: 
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

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/381,809	03/17/2009	Martin Fornage	EE017	2533
54698	7590	12/14/2010	EXAMINER	
RAYMOND R. MOSER JR., ESQ. MOSER IP LAW GROUP 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			NGUYEN, HOAI AN D	
			ART UNIT	PAPER NUMBER
			2858	
			MAIL DATE	DELIVERY MODE
			12/14/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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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

Application No.: 12/381,809

Filed: 17 March 2009

Attorney Docket No.: EE017

**For: METHOD AND APPARATUS FOR
MEASURING AC VOLTAGES**

**: 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 05 November 2010 and renewed on 07 December 2010, 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, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

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

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

Conditions (1-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (7).

Regarding the requirement of condition (7), applicant has failed submit an IDS listing all the documents cited by the PCT examiner in the international work product along with copies of documents. Specifically, applicant has failed to cite and provide a copy of JP 2007-298426.

Applicant notes that patent application publication JP2007-298426 is also published as U.S. patent application publication US2008/0265901, which has been cited in an IDS previously filed August 31, 2009. As such, Applicant contends that all of the conditions for participation in the PPH program have been met.

However, the PCT-PPH pilot program requires applicant to submit an IDS listing the documents cited by the PCT examiner. The listing of documents related to the documents cited by the PCT examiner does not satisfy this requirement.

No further reconsideration will be undertaken on this matter and the application will be taken up for action in its regular turn.

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

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


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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/381,844	03/16/2009	Richard Schiff	33320.03058.US02/ 3058	9350
13565	7590	06/09/2011	EXAMINER	
McKenna Long & Aldridge LLP			HARRIS, ALANA M	
4435 Eastgate Mall			ART UNIT	PAPER NUMBER
Suite 400			1643	
San Diego, CA 92121			MAIL DATE	DELIVERY MODE
			06/09/2011	PAPER

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

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



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TRADEMARK OFFICE

JUN 09 2011

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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Schiff et al.
Serial No.: 12/381,844
Filed: March 16, 2009
Attorney Docket No: 33320.03058.US02/
3058

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on June 1, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on July 7, 2009; November 19, 2009; July 8, 2010; and December 21, 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 July 7, 2009; November 19, 2009; July 8, 2010; and December 21, 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 July 7, 2009; November 19, 2009; July 8, 2010; and December 21, 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" (July 7, 2009, "Transmittal Letter" of 5 pages; November 19, 2009, "Transmittal Letter" of 5 pages; July 8, 2010, "Transmittal Letter" of 4 pages; and December 21, 2010, "Transmittal Letter" of 5 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 July 7, 2009; November 19, 2009; July 8, 2010; and December 21, 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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RICHARD A. MENELLY
PO BOX 695
ALFRED, ME 04002

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of :
Richard Menelly :
Application No. 12/381,850 :
Filed: March 18, 2009 :
Attorney Docket No. None :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 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.

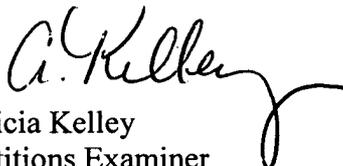
The petition is **GRANTED**.

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 (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 3618 for action on the merits commensurate with this decision.


Alicia Kelley
Petitions Examiner
Office of Petitions



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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
SUITE 2000
PHILADELPHIA, PA 19103-6996

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Robb Fujioka :
Application No. 12/381,905 :
Filed: March 17, 2009 :
Attorney Docket No. 203103-0007-00-US :
(436208) :

**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 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Edward F. Behm on behalf of all attorneys of record who are associated with customer No. 23973. All attorneys/agents associated with the Customer Number 23973 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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

chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

cc: ROBB FUJIOKA
1701 N. MEADOWS AVENUE
MANHATTAN BEACH, CA 90266

cc: FUHU, INC.
909 N. SEPULVEDA BOULDEVARD
SUITE 540
EL SEGUNDO, CA 90245



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/381,905	03/17/2009	Robb Fujioka	203103-0007-00-US(436208)

CONFIRMATION NO. 4791

POWER OF ATTORNEY NOTICE



Thomas J. McWilliams, Esquire
Drinker Biddle & Reath LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6996

Date Mailed: 03/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2011.

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

/amwise/

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/381,930	03/18/2009	Ming Chen	TE09-001	1165

7590 04/18/2011
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

EXAMINER

KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
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2121

MAIL DATE	DELIVERY MODE
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04/18/2011

PAPER

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

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management



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J. BRUCE HOOFNAGLE
P.O. BOX 370
LISBON MD 21765-0370

MAILED

JAN 10 2012

OFFICE OF PETITIONS

In re Application of :
Ward et al. :
Application No. 12/381,953 : DECISION ON PETITION
Filed: 03/18/2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 0041US-NN :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on November 23, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed international application, as set forth in the concurrently filed amendment.

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 and 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 petition to accept an unintentionally delayed claim for benefit of priority to the prior-filed application under 35 U.S.C. §§ 120 and 365(c) is **GRANTED**.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of

priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is forwarded to Technology Center Art Unit 1775 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed application.



Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/381,953, 03/18/2009, 1775, 1786, 0041US-NN, 61, 4

CONFIRMATION NO. 4416

CORRECTED FILING RECEIPT



Date Mailed: 01/10/2012.

J. Bruce Hoofnagle
P.O. Box 370
Lisbon, MD 21765-0370

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 Ward, Guisborough, UNITED KINGDOM;
David Edge, Warlingham, UNITED KINGDOM;
Nelson Nazareth, Upper Dean, UNITED KINGDOM;

Power of Attorney:

Joseph Hoofnagle Jr--20973

Domestic Priority data as claimed by applicant

This application is a CON of PCT/GB07/03564 09/18/2007

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

UNITED KINGDOM GB 0619128.2 09/19/2006
UNITED KINGDOM GB 0718250.4 05/29/2007

If Required, Foreign Filing License Granted: 05/01/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/381,953

Projected Publication Date: 03/29/2012

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Reaction apparatus

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/382,000 03/16/2009 Chandrasekaran Venkatachalam 019397-009210US 4681

7590 01/14/2011
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

SOTOMAYOR, JOHN B

ART UNIT PAPER NUMBER

3662

MAIL DATE DELIVERY MODE

01/14/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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January 14, 2011

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of :
Chandrasekaran Venkatachalam, et al : **DECISION ON PETITION**
Application No. 12382000 :
Filed: 03/16/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 019397-009210US : **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 16, 2009.

The petition is **GRANTED**.

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

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/382,011	03/05/2009	Masahiro Itoh	01-1866	5094
23400	7590	10/26/2011	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			NGUYEN, KIMNHUNG T	
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			10/26/2011	ELECTRONIC

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

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

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

mailbox@poszlaw.com
lwebbers@poszlaw.com
dposz@poszlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of

ITOH et al.

Application No.: 12/382,011

Filed: 05 March 2009

Attorney Docket No.: 01-1866

**For: OPERATING DEVICE FOR
VEHICLE**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 11 October 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

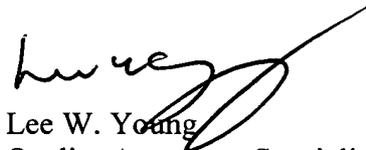
- iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must:
 - a. Ensure 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
Quality Assurance Specialist
Technology Center 2600



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MAILED
JAN 28 2011
OFFICE OF PETITIONS

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

In re Application of :
TANASE et al. :
Application No. 12/382,269 : DECISION ON PETITION
Filed: March 12, 2009 :
Attorney Docket No. 28955. 1028 D1 :

This is a decision on the petition under 37 CFR 1.57(a) filed October 25, 2010.

On March 12, 2009, applicants filed the above-identified application. On May 10, 2010, the Office mailed a non-final Office action, which set a shortened statutory period for reply of three months from the mailing date of the communication. On October 12, 2010, applicants submitted a request for an extension of time for response within the second month (and fee) and a reply in the form of an amendment. On October 25, 2010, applicants filed the present petition (and fee), a copy of Tables 1-4, and an amendment.

Applicants state that the present application was inadvertently filed without Tables 1-4. Applicants assert:

This above-identified application is a divisional of, and was co-pending with, prior application Serial No. 11/319,701 when the present application was filed on March 12, 2009. The Preliminary Amendment and Application Data Sheet, also filed herein on that date, expressly claimed the domestic priority (per 35 USC § 120) of that '701 application. On that date, the prior '701 application completely contained said Tables 1-4.

Therefore, in accordance with 37 CFR 1.57(a), since Tables 1-4 were inadvertently omitted from this above-identified application, and the application contains a claim under 37 CFR 1.78 for the benefit of the prior-filed nonprovisional application that was present on the filing date of this application, and the inadvertently omitted Tables

were completely contained in the prior-filed application, the claim under 37 CFR 1.78 is considered to be an incorporation by reference of the prior-filed application as to the inadvertently omitted Tables 1-4.

Remarks, p. 3.

37 CFR 1.57(a) provides:

[I]f all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim for priority or benefit shall be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawings.

MPEP 201.17.

Therefore, if a continuation, divisional, or continuation-in-part application, as originally filed on or after September 21, 2004, does not include an explicit incorporation by reference statement in the specification, and is entitled to a filing date despite the inadvertent omission of a portion of the prior application(s), an applicant may be permitted to add the omitted material by filing an amendment under 37 CFR 1.57(a) within the time period set by the Office. See 37 CFR 1.57(a)(1) and MPEP 201.06(c)(IV).

A review of the record indicates that the above-identified application as originally filed on March 12, 2009, which was entitled to a filing date, did not include an explicit incorporation by reference statement in the specification. Nonetheless, the Application Data Sheet and preliminary amendment on filing indicate that this application is a divisional of Application No. 11/319,701, filed December 29, 2005. As applicants submitted a claim under 37 CFR 1.78 for the benefit of a prior filed nonprovisional application on the filing date of the present application, applicants may file an amendment in compliance with 37 CFR 1.57(a) with the examiner to include Tables 1-4 located in the Application No. 11/319,701 without the need for a petition. Accordingly, the present petition is unnecessary to effectuate applicants' request, and therefore, is **dismissed**.

In view of the fact that the petition was not necessitated by an error on the part of this Office, the \$400.00 fee for filing the present petition will not be refunded.

The Office acknowledges the receipt of the amendment and Tables 1-4 on October 25, 2010. The examiner will appropriately address the issue of new matter.

This matter is being referred the Technology Center Art Unit 1765 to review the amendment.

Telephone inquiries regarding this decision should be directed to Christina Tartera Donnell at (571) 272-3211.



Christopher Bottorff
Supervisor
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/382,291	03/12/2009	Jason P. Weinstein	081201	7492
46064	7590	07/21/2011	EXAMINER	
MICHAEL N. LAU LAU & ASSOCIATES, LLC 2121 EISENHOWER AVENUE SUITE 200 ALEXANDRIA, VA 22314			BELLAMY, TAMIKO D	
			ART UNIT	PAPER NUMBER
			2856	
			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.

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

In-re Application of:	:	
Jason WEINSTEIN	:	DECISION ON PETITION TO
Serial No.: 12/382291	:	MAKE SPECIAL FOR NEW
Filed: 12 March 2009	:	APPLICATION UNDER 37
Title: SINTER-BONDED METAL FLOW	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
RESTRICTOR FOR REGULATING	:	
VOLUMETRIC GAS FLOW THROUGH AN	:	
AEROSOL SAMPLER INLET	:	

This is a decision on the petition filed on 12 March 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d), and renewed request, filed 25 September 2009.

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

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and 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), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

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Application Serial No. 12/382291
Decision on Petition

2

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
 - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and
 - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:
- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
 - 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
 - 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
 - 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
 - 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and
 - 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

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Application Serial No. 12/382291
Decision on Petition

3

REVIEW OF FACTS

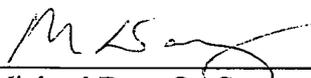
The petition appears on its face to be filed without recognition of the August 25, 2006 policy change to the petition to make special program. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is attached to the mailed decision for petitioner's review. Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. A statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism is only sufficient for waiving the petition fee set forth in 37 CFR 1.17(h). Further guidance may be found at www.USPTO.gov under the accelerated examination link.

The instant petition was not filed under the current petition to make special practice. Consequently, the application is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d).

DECISION

For the above-stated reasons, the petition is **denied**. The application will remain in its regular status, and will be taken up by the examiner for action in its regular turn. Further request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure will not be entertained.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist (QAS) Michael Day at (571) 272-1568.



Michael Day, QAS
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

(2) Activities will be initiated before dusk;

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present;

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels;

(5) A NMFS-approved marine mammal observer will visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring); and

(6) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks. The vessel will reduce speed 1.5 to 2 knots (2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities;

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less); and

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90

days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any marine mammal is injured or killed as a result of these activities, Boeing or its designee shall report the incident to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the proposed activities were not likely to jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS'2005 EA and FONSI.

Conclusions

NMFS has issued an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period, contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that the impact of harbor activities related to the Delta IV/EELV at VAFB (transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat

mitigation) will result in the Level B Harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals. The effects of Boeing's harbor activities are expected to be in the form of short-term and localized behavioral changes and no take by injury or death is anticipated or authorized. NMFS has further determined that these takes will have a negligible impact on the affected marine mammal species and stocks and will not have an unmitigable adverse impact on the availability of such marine mammal species and stocks for subsistence uses.

Authorization

NMFS has issued an IHA to take marine mammals, by Level B harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: June 19, 2006.

James H. Lecky,

Director, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. E6-10044 Filed 6-23-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO-P-2006-0014]

Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has established procedures under which the examination of a patent application may be accelerated. Under one of these procedures, the USPTO will advance an application out of turn for examination if the applicant files a grantable petition to make special under the accelerated examination program. The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the recently announced Patent Prosecution Highway (PPH) pilot program between the USPTO and the Japan Patent Office. **DATES:** *Effective Date:* The change in practice in this notice applies to

petitions to make special filed on or after August 25, 2006.

FOR FURTHER INFORMATION CONTACT: Pinchus Laufer, Detailee, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272-7726, or by facsimile at (571) 273-7726. Comments concerning petition to make special practice may be sent by electronic mail message over the Internet addressed to MPEPFeedback@uspto.gov, or submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Any inquiries concerning electronic filing of the application should be directed to the Electronic Business Center (EBC) at (866) 217-9197. Any inquiries concerning a specific petition to make special should be directed to the appropriate Technology Center Special Program Examiner.

SUPPLEMENTARY INFORMATION: New patent applications are normally taken up for examination in the order of their United States filing date. The USPTO has a procedure for requesting accelerated examination under which an application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. See 37 CFR 1.102 and *Manual of Patent Examining Procedure* § 708.02 (VIII) (8th ed. 2001) (Rev. 3, August 2005) (MPEP). The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. See Part VIII (subsection The Twelve-Month Goal) for more information.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (see MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. Until the effective date, applicant may file a petition to make special in an application filed before the effective date by complying with the previous guidelines and requirements in MPEP § 708.02 (I–II, and V–XII). A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice. See Part VIII, for more information on eligibility.

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. See 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(2) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(3) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. See Part VIII (subsection The Twelve-Month Goal) for more information.

(4) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. See Part VIII (subsection Conditions for Examination) for more information.

(5) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(6) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(7) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(8) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

(A) This preexamination search must involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement.

(B) This preexamination search must be directed to the claimed invention and

encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(C) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (see item 9) will be treated as not fully responsive and will not be entered. See Part IV (Reply by Applicant) for more information.

(D) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements set forth in this notice for a preexamination search.

(E) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.

(9) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(A) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

(B) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(C) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(D) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(E) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify: (1) Each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6; and (2) the structure, material, or acts in the specification that correspond to each

means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(F) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the Cooperative Research and Technology Enhancement (CREATE) Act (Pub. L. 108-453, 118 Stat. 3596 (2004)).

Part II. Decision on Petition To Make Special: Applicant will be notified of the decision by the deciding official. If the application and/or petition does not meet all the prerequisites set forth in this notice for the application to be granted special status (including a determination that the search is deemed to be insufficient), the applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. In those instances in which the petition or accelerated examination support document is defective in one or more requirements, applicant will be given a single opportunity to perfect the petition or accelerated examination support document within a time period of one month (no extensions under 37 CFR 1.136(a)). This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing. See Part VIII (subsection Condition for Examination). If the document is satisfactorily corrected in a timely manner, the petition will then be granted, but the final disposition of the application may occur later than twelve months from the filing date of the application. Once a petition has been granted, prosecution will proceed according to the procedure set forth below.

Part III. The Initial Action on the Application by the Examiner: Once the application is granted special status, the application will be docketed and taken up for action expeditiously (e.g., within two weeks of the granting of special status). If it is determined that all the claims presented are not directed to a single invention, the telephone restriction practice set forth in MPEP § 812.01 will be followed. Applicant must make an election without traverse during the telephonic interview. If applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable

effort, the examiner will treat the first claimed invention (the invention of claim 1) as constructively elected without traverse for examination. Continuing applications (e.g., a divisional application directed to the non-elected inventions) will not automatically be given special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

If the USPTO determines that a possible rejection or other issue must be addressed, the examiner will telephone the applicant to discuss the issue and any possible amendment or submission to resolve such issue. The USPTO will not issue an Office action (other than a notice of allowance) unless either: (1) An interview was conducted but did not result in the application being placed in condition for allowance; or (2) there is a determination that an interview is unlikely to result in the application being placed in condition for allowance. Furthermore, prior to the mailing of any Office action rejecting the claims, the USPTO will conduct a conference to review the rejections set forth in the Office action.

If an Office action other than a notice of allowance or a final Office action is mailed, the Office action will set a shortened statutory period of one-month or thirty-days, whichever is longer. No extensions of this shortened statutory period under 37 CFR 1.136(a) will be permitted. Failure to timely file a reply will result in abandonment of the application. See Parts V and VI for more information on post-allowance and after-final procedures.

Part IV. Reply by Applicant: A reply to an Office action must be limited to the rejections, objections, and requirements made. Any amendment that attempts to: (1) Add claims which would result in more than three independent claims, or more than twenty total claims, pending in the application; (2) present claims not encompassed by the preexamination search (see item 8 of Part I) or an updated accelerated examination support document (see next paragraph); or (3) present claims that are directed to a nonelected invention or an invention other than previously claimed in the application, will be treated as not fully responsive and will not be entered. See Part VIII (subsection Reply Not Fully responsive) for more information.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document in Part I, item 9, applicant is required to provide an updated accelerated examination

support document that encompasses the amended or new claims at the time of filing the amendment. Failure to provide such updated accelerated examination support document at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. See Part VIII (subsection Reply Not Fully Responsive) for more information. Any IDS filed with an updated accelerated examination support document must also comply with the requirements of 37 CFR 1.97 and 1.98.

Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, or the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

Part V. Post-Allowance Processing: The mailing of a notice of allowance is the final disposition for purposes of the twelve-month goal for the program. In response to a notice of allowance, applicant must pay the issue fee within three months from the date of mailing of the Notice of Allowance and Fee(s) Due (form PTOL-85) to avoid abandonment of the application. In order for the application to be expeditiously issued as a patent, the applicant must also: (1) Pay the issue fee (and any outstanding fees due) within one month from the mailing date of the form PTOL-85; and (2) not file any post-allowance papers that are not required by the USPTO (e.g., an amendment under 37 CFR 1.312 that was not requested by the USPTO).

Part VI. After-Final and Appeal Procedures: The mailing of a final Office action or the filing of a notice of appeal, whichever is earlier, is the final disposition for purposes of the twelve-month goal for the program. Prior to the mailing of a final Office action, the USPTO will conduct a conference to review the rejections set forth in the final Office action (i.e., the type of conference conducted in an application on appeal when the applicant requests a pre-appeal brief conference). In order for the application to be expeditiously forwarded to the Board of Patent Appeals and Interferences (BPAI) for a decision, applicant must: (1) Promptly file the notice of appeal, appeal brief, and appeal fees; and (2) not request a pre-appeal brief conference. A pre-appeal brief conference would not be of value in an application under a final Office action because the examiner will have already conducted such a conference prior to mailing the final Office action. During the appeal process,

the application will be treated in accordance with the normal appeal procedures. The USPTO will continue to treat the application special under the accelerated examination program after the decision by the BPAI.

Any after-final amendment, affidavit, or other evidence filed under 37 CFR 1.116 or 41.33 must also meet the requirements set forth in Part IV (Reply by Applicant). If applicant files a request for continued examination (RCE) under 37 CFR 1.114 with a submission and fee, the submission must meet the reply requirements under 37 CFR 1.111 (see 37 CFR 1.114(c)) and the requirements set forth in Part IV (Reply by Applicant). The filing of the RCE is a final disposition for purposes of the twelve-month goal for the program. The application will retain its special status and remain in the accelerated examination program. Thus, the examiner will continue to examine the application in accordance with the procedures set forth in Part III and any subsequent replies filed by applicant must meet the requirements of Part IV. The goal of the program will then be to reach a final disposition of the application within twelve months from the filing of the RCE.

Part VII. Proceedings Outside the Normal Examination Process: If an application becomes involved in proceedings outside the normal examination process (e.g., a secrecy order, national security review, interference, or petitions under 37 CFR 1.181-1.183), the USPTO will treat the application special under the accelerated examination program before and after such proceedings. During those proceedings, however, the application will not be accelerated. For example, during an interference proceeding, the application will be treated in accordance with the normal interference procedures and will not be treated under the accelerated examination program. Once any one of these proceedings is completed, the USPTO will process the application expeditiously under the accelerated examination program until it reaches final disposition, but that may occur later than twelve months from the filing of the application.

Part VIII. More Information:
Eligibility: Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program is eligible for the revised accelerated examination program. The following types of filings are not eligible for this revised accelerated examination program: Plant applications, reissue applications, applications entering the national stage from an international

application after compliance with 35 U.S.C. 371, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program. Rather than participating in this revised accelerated examination program, applicants for a design patent may participate in the expedited examination program by filing a request in compliance with the guidelines set forth in MPEP § 1504.30. See 37 CFR 1.155.

Form: Applicant should use form PTO/SB/28 for filing a petition to make special, other than those based on applicant's health or age or the PPH pilot program. The form is available on EFS-Web and on the USPTO's Internet Web site at <http://www.uspto.gov/web/forms/index.html>.

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (see MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (see MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)-(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (e.g., the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is

accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

Furthermore, if the application is a design application, the application must also comply with the requirements set forth in 37 CFR 1.151-1.154.

Applicant should also provide a suggested classification, by class and subclass, for the application on the transmittal letter, petition, or an application data sheet as set forth in 37 CFR 1.76(b)(3) so that the application can be expeditiously processed.

The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (Part II) does not apply to applications that are not in condition for examination on filing.

Reply Not Fully Responsive: If a reply to a non-final Office action is not fully responsive, but a *bona fide* attempt to advance the application to final action, the examiner may provide one month or thirty-days, whichever is longer, for applicant to supply the omission or a fully responsive reply. No extensions of this time period under 37 CFR 1.136(a) will be permitted. Failure to timely file the omission or a fully responsive reply will result in abandonment of the application. If the reply is not a *bona fide* attempt or it is a reply to a final Office action, no additional time period will be given. The time period set forth in the previous Office action will continue to run.

Withdrawal From Accelerated Examination: There is no provision for "withdrawal" from special status under the accelerated examination program. An applicant may abandon the application that has been granted special status under the accelerated examination program in favor of a continuing application, and the continuing application will not be given special status under the accelerated examination program unless the continuing application is filed with a

petition to make special under the accelerated examination program. The filing of an RCE under 37 CFR 1.114, however, will not result in an application being withdrawn from special status under the accelerated examination program.

The Twelve-Month Goal: The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. The twelve-month goal is successfully achieved when one of the following final dispositions occurs: (1) The mailing of a notice of allowance; (2) the mailing of a final Office action; (3) the filing of an RCE; or (4) the abandonment of an application, however, may occur later than the twelve-month timeframe in certain situations (e.g., an IDS citing new prior art after the mailing of a first Office action). See Part VII for more information on other events that may cause examination to extend beyond this twelve-month time frame. In any event, however, this twelve-month timeframe is simply a goal. Any failure to meet the twelve-month goal or other issues relating to this twelve-month goal are neither petitionable nor appealable matters.

Paperwork Reduction Act: This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The collection of information involved in this notice has been reviewed and previously approved by OMB under OMB control number 0651-0031. The Office has submitted a Change Worksheet to OMB for review of form PTO/SB/28 Petition to Make Special Under the Accelerated Examination.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Section 708.02 of the *Manual of Patent Examining Procedure* will be revised in due course to reflect this change in practice.

Dated: June 20, 2006.

Jon W. Dudas,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6-10022 Filed 6-23-06; 8:45 am]

BILLING CODE 3510-16-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States Caribbean Basin Trade Partnership Act (CBTPA)

June 21, 2006.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Designation.

EFFECTIVE DATE: June 26, 2006.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100 percent cotton, yarn-dyed, 3- or 4-thread twill weave, flannel fabrics, of combed, ring spun single yarns, of the specifications detailed below, classified in subheading 5208.43.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products in Categories 340, 341, and 350, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates products in Categories 340, 341, and 350 that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheading 9820.11.27 to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are wholly formed in the United States from yarns wholly formed in the United States.

FOR FURTHER INFORMATION CONTACT: Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of CBERA, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The commercial availability provision of the CBTPA provides for duty free and quota free treatment for apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely



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BREINER & BREINER, L.L.C.
P.O. BOX 320160
ALEXANDRIA, VA 22320-0160

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of :
Hiroki Kato, et al. :
Application No. 12/382,315 :
Filed: March 13, 2009 :
Attorney Docket No. 7271 :

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**.

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

Telephone inquiries related to this communication should be directed to the 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



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WESTERMAN HATTORI DANIELS &
ADRIAN LLP
1250 CONNECTICUT AVENUE NW
SUITE 700
WASHINGTON DC 20036

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of :
Kiuchi, et al. :
Application No. 12/382,316 : ON PETITION
Filed: March 13, 2009 :
Attorney Docket Number: 090300 :

This is in response to the petition under 37 CFR 1.84(a)(2), filed March 13, 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 2, 3, and 7 are not the only practical medium by which to disclose the subject matter. Petitioner asserts that the "color drawings are necessary for understanding the invention". Petitioner's argument has been considered, but is not persuasive. 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. Here, for example, petitioner could simply use a capital letter (e.g. "W" for white, "Y", for yellow, etc.) instead of color in Figures 2, 3, and 7.

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

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

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

The application is being forwarded to Group Art Unit 2876.

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

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.
12/382,322	03/13/2009	Levi A. Pollard	84904 WWT	3777
90042	7590	12/16/2011	EXAMINER	
MANELLI SELTER PLLC 2000 M Street, N.W., 7th Floor Washington DC, DC 20036-3307			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	
			NOTIFICATION DATE	DELIVERY MODE
			12/16/2011	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):

- melcher@mdslaw.com
- jeffmelcher@comcast.net
- jsgueo@mdslaw.com



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MANELLI SELTER PLLC
2000 M Street, N.W., 7th Floor
Washington DC 20036-3307

In re Application of:
POLLARD, LEVI A.
Serial No. 12/382,322
Filed: March 13, 2009
Docket: 84904WWT
Title: BAND SAW APPARATUS

DECISION ON PETITION
UNDER 37 CFR § 1.181

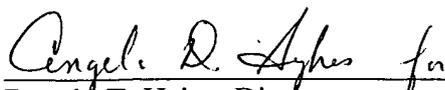
This is a decision on the petition filed on June 27, 2011 seeking withdrawal of the objection to the proposed drawing changes in Figs, 2 and 3 and the newly added of Fig. 8A, 8B and 9; added passages in the specification for introducing new matter into the disclosure and issuance a Notice of Allowance. The petition is being considered pursuant to 37 CFR 1.181.

The petition is **dismissed as moot**.

In view of the fact that the examiner and the applicant have reached an agreement to resolve this matter as shown in the amendment filed on December 8, 2011 and indicated in the Interview Summary mailed on December 16, 2011, the issue under petition is now resolved. The applicant was allowed on December 16, 2011. The petition is moot and is dismissed.

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

PETITION DISMISSED AS MOOT.



Donald T. Hajec, Director
Technology Center 3700



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**KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON VA 22202**

**MAILED
AUG 20 2010
OFFICE OF PETITIONS**

In re Application of :
Rantala et al. :
Application No. 12/382,419 : **DECISION ON PETITION**
Filed: March 16, 2009 :
Attorney Docket No. LAIN-137-098 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed May 21, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 22, 2009. A Notice of Abandonment was mailed January 28, 2010.

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

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

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petition Examiner
Office of Petitions

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

By fax: 571-273-0025
ATTN: Office of Petitions

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

Tasneem Siddiqui

For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 10/07/2011

Address: John R. Lastova
NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808

ts



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NIXON & VANDERHYE P.C.
901 N. Glebe Road, 11th Floor
Arlington VA 22203-1808

MAILED

DEC 08 2011

In re Patent No. 8,006,147 :
Issue Date: August 23, 2011 :
Application No. 12/382,427 :
Filed: March 16, 2009 :
Attorney Docket No. SCS-550-1150 :

OFFICE OF PETITIONS
DECISION ON PETITION
UNDER 37 CFR 3.81

This is a decision on the Petition to Correct Assignee under 3.81(b), filed November 28, 2011, requesting correction of the Title Page of the subject patent, via a Certificate of Correction under 37 CFR 1.323. The petition has been treated as a petition under 37 CFR 3.81. A completed Certificate of Correction form was previously filed on September 27, 2011.

The petition under 37 CFR 3.81 is **GRANTED**.

Petitioner requests that the Title Page of the subject patent be corrected, pursuant to 37 CFR 3.81(b), to include the name and address of second Assignee, The Regents of the University of Michigan, Ann Arbor, MI. Accordingly, petitioner requests that a Certificate of Correction be issued to add the erroneously omitted second assignee 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 in 37 CFR 1.20(a), and \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been paid. Further, Office assignment records are consistent with the requested correction. Accordingly, as 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 on September 27, 2011.

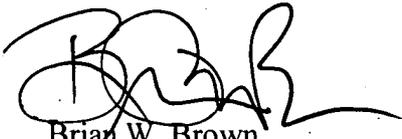
Inquiries related to this communication should be directed to Brian W. Brown at (571) 272-5338.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

US Patent 8,006,147
Application Serial No. 12/382,427
Decision on Petition Under 37 CFR 3.81

Page 2

The matter is being referred to the Certificate of Corrections Branch for processing of a Certificate of Correction in US Patent 8,006,147.

A handwritten signature in black ink, appearing to read 'B. Brown', with a long horizontal flourish extending to the right.

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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Darren Derall Campbell
527 W. Chenery
Springfield IL 62704

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of :
Campbell :
Application No. 12/382,437 : ON PETITION
Filed: March 14, 2009 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on April 20, 2009, for failure to respond to the Notice to File Corrected Application Papers mailed April 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply to the Notice to File Corrected Application Papers; (2) the petition fee of \$810.00, and (3) an adequate statement of unintentional delay.

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

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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

MAILED
DEC 14 2011
OFFICE OF PETITIONS

In re Application of :
Tibbott et al. :
Application No. 12/382,535 : **DECISION ON PETITION**
Filed: March 18, 2009 :
Attorney Docket No. 141010 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before October 25, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed July 25, 2011. Accordingly, the date of abandonment of this application is October 26, 2011. A Notice of Abandonment was mailed November 9, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings, (2) the petition fee of \$1,860.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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

This application is being referred to Publishing Division for processing into a patent and review of the Corrected Drawings submitted November 10, 2011.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/382,567, 03/18/2009, Koji Yamamoto, MJS-4791-11, 3727

7590 10/12/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

ELFERVIG, TAYLOR A

ART UNIT PAPER NUMBER

2445

MAIL DATE DELIVERY MODE

10/12/2011

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.

Handwritten signature of Nomi Armes

Patent Publication Branch
Office of Data-Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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**SALLY CHANG
P.O. BOX 158-90
TAIPEI 114 TW TAIWAN**

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
Ming-Hsien Cheng :
Application No. 12/382,698 : **DECISION ON PETITION**
Filed: March 23, 2009 :
Attorney Docket No. L59-P03-29 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 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 December 9, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 10, 2011. The Notice of Abandonment was mailed March 25, 2011.

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

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

This application is being referred to the Office of Data Management for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/382,702	03/23/2009	Jayakrishna Ambati	050229-0587	8743
7590 03/11/2011 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER FALK, ANNE MARIE	
			ART UNIT 1632	PAPER NUMBER
			MAIL DATE 03/11/2011	DELIVERY MODE PAPER

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 11, 2011

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of :
Jayakrishna Ambati : **DECISION ON PETITION**
Application No. 12382702 :
Filed: 3/23/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 050229-0587 : **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 23, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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MAILED

AUG 08 2011

OFFICE OF PETITIONS

**BULL HUSSER & TUPPER
P O BOX 11130 3000 ROYAL CENTER
1055 WEST GEORGIA STREET
VANCOUVER BC V6E 3R3 CA CANADA**

In re Application of :
REGEHR :
Application No. 12/382,734 :
Filed: March 23, 2009 :
Attorney Docket No. 0092645VPI01USP :
: **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 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney of record was not appointed through use of a Customer Number as indicated on the Request for Withdrawal as Attorney or Agent filed July 15, 2011. Any future submission should include the proper designation by which the attorneys were appointed to assist in reviewing and to expedite processing.

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

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

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

cc: VYTAS SINKEVICIUS
1406 PARKINSON ROAD
KELOWNA BC V1Z 3M6 CANADA



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**BULL HOUSSER & TUPPER
PO BOX 11130 3000 ROYAL CENTER
1055 WEST GEORGIA STREET
VANCOUVER BC V6E 3R3 CA CANADA**

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
SINKEVICIUS, et al :
Application No. 12/382,734 :
Filed: March 23, 2009 :
Attorney Docket No. 0092645VP101USP :
: **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 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 Herbert B. Regehr the sole attorney of record.

Herbert B. Regehr has been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

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

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

cc: VYTAS SINKEVICIUS
1406 PARKINSON ROAD
KELOWNA BC VIZ 3M6 CANANDA



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/382,734	03/23/2009	Vytas Sinkevicius	0092645VPI01USP

CONFIRMATION NO. 6394

POWER OF ATTORNEY NOTICE



24242
BULL HOUSSER & TUPPER
P O BOX 11130 3000 ROYAL CENTER
1055 WEST GEORGIA STREET
VANCOUVER, BC V6E 3R3
CANADA

Date Mailed: 09/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/23/2011.

- 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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LUIS ALBERTO RUIZ DE OLANO
WILSON 1694
CORDOBA, CORDOBA 5012
ARGENTINA

MAILED
AUG 08 2011
OFFICE OF PETITIONS

In re Application of :
Luis Alberto Ruiz de Olano :
Application No. 12/382,759 :
Filed: March 24, 2009 :
Attorney Docket No. N/A :
For: INTERCONNECTION MODULE OF
THE ORNAMENTAL ELECTRICAL
MOLDING

ON PETITION

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

This application became abandoned for failure to properly respond to the final Office action, mailed May 27, 2010, which set an extendable three month period for reply. Applicant submitted an amendment after final on July 26, 2010. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the September 2, 2010 Advisory action. Applicant submitted an amendment after final on October 15, 2010. The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the January 27, 2011 Advisory action. No proper extensions of time were obtained. Accordingly, this application became abandoned on August 28, 2010. A Notice of Abandonment was mailed on May 18, 2011.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$245.00 extension of time submitted on January 3, 2011 was filed subsequent to the expiration of the maximum period obtainable for reply, this fee is unnecessary and will be refunded via a U.S. Treasury check that will be scheduled shortly.

Applicant has submitted a RCE and \$405.00 required fee in reply to the May 27, 2010 final Office action. Contrary to the RCE transmittal, no IDS was filed. However, the previously filed amendments of June 26, 2010 and October 15, 2010 will be considered as the submission. Applicant has provided an acceptable statement of the unintentional nature of the delay in responding to the May 27, 2010 final Office action, and the \$810.00 petition fee.

The petition is **GRANTED**.

This application is being referred to Technology Center AU 2839 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the previously submitted amendments.

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


Shirene Willis Brantley
Senior Petitions Attorney
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.
12/382,812	03/24/2009	Taizo Shibata	T36-263398/AIO	8924

7590 08/13/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
3634	

3634

MAIL DATE	DELIVERY MODE
08/13/2010	PAPER

08/13/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMUNICATIONS SECTION
AUG 13 2010 10 00 AM
COMMUNICATIONS SECTION



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/382,850	03/25/2009	Kazuya Tsuchiya	140359	2084
25944	7590	01/13/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			DINH, THAI T	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			2837	
			NOTIFICATION DATE	DELIVERY MODE
			01/13/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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

In re Application of

TSUCHIYA et al

Application No.: 12/382,850

Filed: 25 March 2009

Attorney Docket No.: 140359

**For: DRIVE DEVICE, HYBRID
VEHICLE EQUIPPED WITH THE
DRIVE DEVICE, AND CONTROL
METHOD FOR DRIVE DEVICE**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 14 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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


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



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

MAILED

AUG 09 2011

In re Application of :
Jong-Hoon Jung et al : **OFFICE OF PETITIONS**
Application No. 12/382,858 :
Filed: March 25, 2009 : **DECISION GRANTING PETITION**
Attorney Docket No. 253/129 :

This is a decision on the petition filed June 19, 2009, entitled "PETITION FOR ORIGINAL DATE OF DEPOSIT OF DEPOSIT AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1§.53(b)" stating that eleven (11) sheets of drawings were present on filing in the above-identified application on March 25, 2009.

The Office sincerely apologizes for the delay in replying to the above petition.

The petition is **granted**. It is noted that a corrected filing receipt was mailed on June 29, 2009.

The application was deposited on March 25, 2009. However, on April 21, 2009, the Office of Patent Application Processing mailed a "Notice of Omitted Items," stating that Figure 8b was omitted from the application on filing.

In response, on June 19, 2009, the instant petition and a copy of eleven (11) sheets of drawings (figures 1, 2, 3, 4, 5, 6, 7A, 7B, 8-8C and 9 were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of 11 Sheets of Drawings (Figs. 1, 2, 3, 4, 5, 6, 7A, 7B, 8A-8C, 9). A review of the application file indicates the presence of the above.

MPEP 503 states that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, since the evidence of the application file indicates that eleven (11) Sheets of Drawings (figures 1, 2, 3, 4, 5, 6,7A, 7B, 8A-8C and 9) was in fact present on filing, the Notice mailed April 21, 2009 is vacated.

In view of the above, the petition fee is not necessary. Therefore, the petition fee of \$400.00 charged on June 22, 2009 (accounting date) is being credited to deposit account no. 50-1645 as authorized in the above petition and the request for refund filed August 3, 2011.

Application No. 12/382,858

-2-

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

This application is being referred to the Office of Data Management.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions



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

MAILED

MAR 27 2012

OFFICE OF PETITIONS

In re Application of :
Hiroaki Mizukoshi et al :
Application No. 12/382,872 : DECISION GRANTING PETITION
Filed: March 26, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 11-432W :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 26, 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 8, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2887 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
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of Yuji Tochio :
Application No. 12/382,910 : Decision on Petition
Filing Date: March 26, 2009 :
Attorney Docket No. 1344.1227 :

This is a decision on the petition under 37 CFR 1.181 filed September 20, 2011, which requests the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a Notice of Allowance and a Notice of Allowability on April 13, 2011. The Notice of Allowance required the submission of the issue fee and publication fee. The Notice of Allowance set a three-month period for reply.

The Office did not receive a response to the Notice of Allowance. As a result, the Office mailed a Notice of Abandonment on July 27, 2011.

The instant petition was filed September 20, 2011.

The petition explicitly asserts the Notice of Allowance was not received at the address of record. The petition implicitly asserts the Notice of Allowability was not received at the address of record.

The petition demonstrates the April 13, 2011 notices were not received at the address of record. Therefore, and the holding of abandonment are hereby withdrawn.

Technology Center Art Unit 2464 will be informed of the instant decision and the Technology Center's technical support staff will re-mail the Notice of Allowance and Notice of Allowability previously mailed April 13, 2011. The time period to reply to the new Notice of Allowance will be set to run from the mailing date of the new Notice of Allowance.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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Ronald J. Meetin
National Semiconductor Corp.
210 Central Avenue
Mountain View, CA 94043-4869

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Application of :
Prasad CHAPARALA, et al. :
Application No. 12/382,970 : DECISION GRANTING PETITION
Filed: March 27, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **NS-7437 US (P07437)** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 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 on March 28, 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 2814 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the previously filed amendment.

/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.

**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:	12/383,049	Filing date:	03-18-2009
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First Named Inventor:	Marco Villa
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Title of the Invention:	Purification of Air Sensitive Steroids
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/001731

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



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Sound Intellectual Property PLLC
PO BOX 52652
Bellevue WA 98015-2652

MAILED

SEP 01 2011

OFFICE OF PETITIONS

In re Application of :
Hitch, et al. :
Application No. 12/383,108 : **ON PETITION**
Filed: March 18, 2009 :
Attorney Docket No. 1467-194-03 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 17, 2011, to revive the above-identified application.

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

The above-identified application became abandoned March 9, 2011, for failure to file a proper reply to the final Office action mailed November 8, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed June 2, 2011.

The Request for Continued Examination and amendment filed August 17, 2011, are noted.

The application file is being forwarded to Technology Center, GAU 3673 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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Law Office of Jens E. Hoekendijk
P.O. BOX 4787
BURLINGAME CA 94011-4787

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of

Harshman :

Application No. 12/383,109 :

Filed: March 18, 2009 :

DECISION ON PETITION

Attorney Docket No. 2234-077-01 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 11, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the restriction/election requirement mailed June 23, 2011, which set a shortened period for reply of one month from its mailing date. A response was not received within the allowable period. The application became abandoned on July 24, 2011. A Notice of Abandonment was mailed on January 5, 2012.

The election filed January 11, 2012, is noted.

The application is being forwarded to Technology Center 3700, GAU 3773 for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

MAILED

OCT 18 2010

In re Application of :
Jack Oswald :
Application No. 12/383,134 :
Filed: March 20, 2009 :
Attorney Docket No. 67605-8001.US01 :

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 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 cannot be approved because practitioners were appointed by customer number. Petitioner must withdraw in the same manner by which they were appointed.

Petitioner should also 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, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

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).

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (Form PTO/SB/83).

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

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



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JONES & SMITH, LLP
2777 ALLEN PARKWAY, SUITE 1000
HOUSTON TX 77019-2141

MAILED
JUN 07 2011
OFFICE OF PETITIONS

In re Application of :
JOHNSON, Stanley P. :
Application No. 12/383,141 : DECISION DISMISSING PETITIONS
Filed: March 20, 2009 : UNDER 37 CFR 1.78(a)(3) and 1.78(a)(6)
Attorney Docket No. 3080.009 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 13, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

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

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

The petition does not comply with item (1).

In regards to item (1), CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application

number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. Here, the relationship of application 11/502,678 is not stated. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Additionally, the amendment 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).

In regards to item (3), the rule at 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§ 1.78(a)(3) and 1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Also, 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 §§ 1.78(a)(3) and 1.78(a)(6) was unintentional, petitioner must notify the Office.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute 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 Jose' G Dees at (571) 272-1569.


David Bucci
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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JONES & SMITH, LLP
2777 ALLEN PARKWAY, SUITE 1000
HOUSTON TX 77019-2141

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Application of	:
JOHNSON, Stanley P.	:
Application No. 12/383,141	: DECISION ON PETITIONS
Filed: March 20, 2009	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Docket No. 3080.009	:

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications as set forth in the currently filed amendment.

The petitions are **GRANTED**.

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

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

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the 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 the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569. 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 2878 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.


David Bucci
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
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Alexandria, Virginia 22313-1450
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/383,141, 03/20/2009, 2878, 875, 3080.009, 20, 3

54487
JONES & SMITH, LLP
2777 ALLEN PARKWAY, SUITE 1000
HOUSTON, TX 77019-2141

CONFIRMATION NO. 6457
CORRECTED FILING RECEIPT



Date Mailed: 07/19/2011

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)

Stanley P. Johnson, Simsbury, CT;

Power of Attorney: The patent practitioners associated with Customer Number 54487

Domestic Priority data as claimed by applicant

This application is a CIP of 11/391,521 03/27/2006 PAT 7,745,805
which is a CIP of 10/460,941 06/13/2003 PAT 7,227,163
which claims benefit of 60/389,357 06/17/2002
This application 12/383,141
claims benefit of 61/070,112 03/20/2008

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: 04/06/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/383,141

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

METHODS FOR MEASURING AT LEAST ONE PHYSICAL CHARACTERISTIC OF A COMPONENT

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

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

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

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

NOT GRANTED

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : May 18,2011

In re Application of :

Ted Lewis

Application No : 12383157

Filed : 20-Mar-2009

Attorney Docket No : TCL-1001

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 18,2011

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 Customer 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 TED C. LEWIS

Name2

Address 1 333 N. KINGSHIGHWAY ST.

Address 2

City SIKESTON

State MO

Postal Code 63801

Country US

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12383157	
Filing Date	20-Mar-2009	
First Named Inventor	Ted Lewis	
Art Unit	1789	
Examiner Name	BHASKAR MUKHOPADHYAY	
Attorney Docket Number	TCL-1001	
Title	Process for making high grade protein product	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		42419
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	TED C. LEWIS	
Address	333 N. KINGSHIGHWAY ST.	
City	SIKESTON	
State	MO	
Postal Code	63801	
Country	US	

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

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.
12/383,241	03/20/2009	Philip J. Bromley	33312.05713.US03/ 5713	4438
13565	7590	10/31/2011	EXAMINER	
McKenna Long & Aldridge LLP			AEDER, SEAN E	
4435 Eastgate Mall			ART UNIT	PAPER NUMBER
Suite 400			1642	
San Diego, CA 92121			MAIL DATE	DELIVERY MODE
			10/31/2011	PAPER

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

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



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TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Philip J. Bromley
Serial No.: 12/383,241
Filed: March 20, 2009
Attorney Docket No: **33312.05713.US03/
5713**

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on July 8, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on July 8, 2009 and June 24, 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 July 8, 2009 and June 24, 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 July 8, 2009 and June 24, 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" (July 8, 2009, "Transmittal Letter" of 4 pages and June 24, 2010, "Transmittal Letter" of 3 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 July 8, 2009 and June 24, 2010.

DECISION

The petition is **GRANTED**.

The examiner is instructed to consider the IDS of July 8, 2009 and June 24, 2010 which was misclassified in PAIR as a "Transmittal Letter" July 8, 2009, "Transmittal Letter" of 4 pages and June 24, 2010, "Transmittal Letter" of 3 pages).

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/383,244	03/20/2009	Philip J. Bromley	33312.05710.US03/ 5710	3042
13565	7590	07/26/2011	EXAMINER	
McKenna Long & Aldridge LLP 4435 Eastgate Mall Suite 400 San Diego, CA 92121			HEGGESTAD, HELEN F	
			ART UNIT	PAPER NUMBER
			1789	
			MAIL DATE	DELIVERY MODE
			07/26/2011	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
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JUL 6 2011

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

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Philip J. Bromley
Serial No.: 12/383,244
Filed: March 20, 2009
Attorney Docket No: **33312.05710.US03/
5710**

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on July 8, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on July 8, 2009 and June 18, 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 Statement was submitted in connection with the above-captioned application on July 8, 2009 and June 18, 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 July 8, 2009 and June 18, 2010 are 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" (July 8, 2009, "Transmittal Letter" of 5 pages; and June 18, 2010, "Transmittal Letter" of 3 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 July 8, 2009 and June 18, 2010.

DECISION

The petition is **GRANTED.**

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ALFRED M WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Application of :
Leeann Pesta : DECISION ON PETITION
Application No. 12/383,287 :
Filed: March 23, 2009 :
Attorney Docket No. 290306 :

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b), filed July 20, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to pay the issue fee in response to the Notice of Allowance and for failure to file corrected drawings in response to the Notice of Allowability, both mailed on March 29, 2011. These Notices set a statutory period for reply of three (3) months. No issue fee and corrected drawings having been received, the application became abandoned on June 30, 2011. The Office mailed a Notice of Abandonment on July 19, 2011.

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

The application is being forwarded to the Office of Data Management for processing into a patent.

Application No. 12/383,287

Page 2

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', written in a cursive style.

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

STEVEN A BENNER
1501 NW 68TH TERRACE
GAINESVILLE FL 32605

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of :
Benner, et al. :
Application No. 12/383,306 : ON PETITION
Filed: March 23, 2009 :
Title: Reagents for Reversibly :
Terminating Primer Extension :

This is a decision on the petition under 37 CFR 1.137(b), filed March 23, 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 decision within the meaning of 5 USC 704.

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).

The instant petition lacks item (2), the petition fee.

The petition fee is required for the filing, and not merely the grant, of the petition. As such, as petitioner has not submitted the petition fee, the petition will not be considered on the merits.

Furthermore, it is noted that the instant petition is only signed by one of the inventors, Steven Benner. Pursuant to 37 CFR 1.33(b), unless signed by a registered attorney or agent, or an assignee, all papers filed in an application must be signed by all of the inventors.

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

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

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

Telephone inquiries 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

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Alexandria, VA 22313-1450
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MAILED

JUL 05 2011

OFFICE OF PETITIONS

STEVEN A BENNER
1501 NW 68TH TERRACE
GAINESVILLE FL 32605

In re Application of :
Benner, et al. :
Application No. 12/383,306 : ON PETITION
Filed: March 23, 2009 :
Title: Reagents for Reversibly :
Terminating Primer Extension :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 24, 2011, to revive the above-identified application, and on the request to correct inventorship under 37 CFR 1.48, also filed on June 24, 2011.

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

The petition under 37 CFR 1.48 is **GRANTED**.

Petition under 37 CFR 1.137(b):

The above application became abandoned for failure to timely file a reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed July 13, 2010. This Notice set an extendable period for reply of two (2) months. No reply having been received and no extensions of time having been obtained, the application became abandoned on September 14, 2010. The Office mailed a Notice of Abandonment on March 18, 2011. Applicants filed a petition to revive under 37 CFR 1.137(b) on March 23, 2011. However, the petition was dismissed in a decision mailed on April 25, 2011.

With the instant petition, petitioner paid the petition fee and submitted a petition executed by a party having a power of attorney. The other requirements for a grantable petition were previously satisfied on March 23, 2011.

The \$810 petition fee has been charged to Deposit Account No. 02-2055, as authorized.

Petition under 37 CFR 1.48:

37 CFR 1.48(a) states in pertinent part:

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);

Here, Applicants have fulfilled requirements (1) - (4) above.

The \$130 processing fee has been charged to Deposit Account No. 02-2055, as authorized.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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SAM R. MCCOY JR.
P.O. BOX 2108
MOUNT PLEASANT SC 29465

MAILED
NOV 09 2010
OFFICE OF PETITIONS

In re Application of :
Nathan DUTSCHKE :
Application No. 12/383,329 : **DECISION ON PETITION**
Filed: March 23, 2009 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before September 30, 2010. As required by the Notice of Allowance and Fee(s) Due, mailed June 30, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of \$595 and Publication Fee of \$300; (2) the petition fee of \$810; and (3) and the required 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 the undersigned at (571) 272-6735.

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

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

Cc: NATHAN DUTSCHKE
PO BOX 1011
RICHMOND, NSW 2753 AUSTRALIA



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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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

MAILED
FEB 04 2011
OFFICE OF PETITIONS

In re Application of :
Alexander Berthold Hendrik Bakker, et al. :
Application No. 12/383,330 : **DECISION ON PETITION**
Filed: March 23, 2009 :
Attorney Docket No. 2578-6723.1US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 17, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Allen C. Turner appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

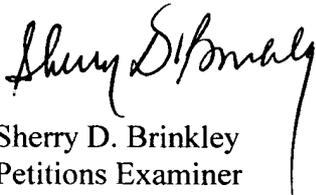
The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 8, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 9, 2010. A Notice of Abandonment was mailed on November 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay¹.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is written in a cursive style with a long, vertical flourish extending downwards from the end of the name.

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

STEVEN HOROWITZ, ESQ.
295 MADISON AVE
SUITE 700
NEW YORK NY 10017

Mail Date: April 6, 2011

In re Application of: Gil Haziza	:	
Application No.: 12/383333	:	
Filed: March 23, 2009	:	DECISION ON PETITION TO
Title: ENVIRONMENTALLY SAFE HAIRBRUSH	:	MAKE SPECIAL FOR NEW
WITH AUTOMATICALLY DISENTANGLING	:	APPLICATION UNDER 37
REMOVABLE HANDLE, MAGNETIC ROLLERS AND	:	C.F.R. § 1.102 & M.P.E.P. §
REMOVABLE BRISTLES	:	708.02

This is a decision on the petition filed on March 23, 2009 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>

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. It is noted that an office action was mailed on March 8, 2011.

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



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

University of Florida
ATTN: John Beuttenmuller
P.O. Box 110200
Gainesville FL 32611-0200

In re Application of
DENG, ZHANAO et al. : NOV 15 2010
Application No.: 12/383,381 : DECISION ON
Filing or 371(c) Date: March 24, 2009 : PETITION
Attorney Docket Number: :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on October 25, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed June 29, 2010. The Notice of Abandonment was mailed October 12, 2010.

The Office acknowledges receipt of Part B – Fee(s) Transmittal on July 19, 2010. However, on July 20, 2009 credit card was declined for approval of payment.

Petitioner should review the amended rules pertaining to general authorization to pay fees. See 65 FR 54647 September 8, 2000, revised 69 FR 56481 September 21, 2004, effective September 21, 2004. Unfortunately, the application file does not reveal a previously filed authorization to charge **such** fee(s) or specifically the issue fee.

In light of the non-compliance with 37CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

Under 37 CFR 1.137(a), a petition for the revival of an **unavoidable** abandoned application
Under 37 CFR 1.137(b), a petition for the revival of an **unintentionally** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 Office of Petitions
 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 concerning this matter should be directed to the undersigned at (703) 756-1547.



Kay D. Pinkney
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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UNIVERSITY OF FLORIDA
ATTN: JOHN BEUTTENMULLER
P.O. BOX 110200
GAINESVILLE, FL 32611-0200

MAILED
FEB 17 2011
OFFICE OF PETITIONS

In re Application of :
Zhanao Deng, et al. :
Application No.: 12/383,381 : **ON PETITION**
Filed: March 24, 2009 :
Attorney Docket No.: None :

This is a decision in response to the petition, filed December 13, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED** because it is not properly signed.

37 CFR 1.33(b) states that:

Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered.

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

The requisite petition lacks item (3). In this regard, the record fails to disclose that petitioner herein (John C. Beuttenmuller) was ever given a power of attorney to act on behalf of the inventors or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b). Consequently, the petition is considered to not contain a proper statement of unintentional delay.

In sum, petitioner must submit a properly signed petition containing a statement of unintentional delay. If petitioner herein is a representative of the assignee of the entire right, title and interest in the instant application, then compliance with 37 CFR 3.73(b) must be satisfied.

37 CFR 3.73(b) provides:

(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper

that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment * * * For patent matters only, the submission of the documentary evidence must be accompanied by 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

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

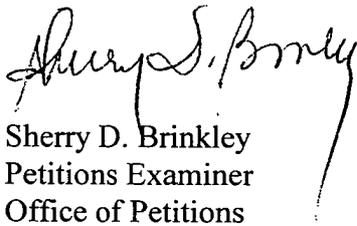
² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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-Web³

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



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/96, Statement Under 37 CFR 3.73(b)

³ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAY 26 2011
OFFICE OF PETITIONS

UNIVERSITY OF FLORIDA
ATTN: JOHN BEUTTENMULLER
P.O. BOX 110200
GAINESVILLE, FL 32611-0200

In re Application of :
Zhanao Deng, et al. :
Application No. 12/383,381 : ON PETITION
Filed: March 24, 2009 :
Attorney Docket No.: None :

This is a decision on the renewed petition, filed April 15, 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 pay the issue and publication fees on or before September 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 30, 2010. A Notice of Abandonment was subsequently mailed on October 12, 2010. A petition under the provisions of 37 CFR 1.137(b) was filed on December 13, 2010; however, the petition was dismissed in a decision mailed February 17, 2011. On April 15, 2011, the present petition was filed.

The petitions satisfy the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of the \$1,190 issue fee and \$300 publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM CA 92807**

**MAILED
MAY 16 2011
OFFICE OF PETITIONS**

In re Application of	:	
LOVELACE	:	
Application No. 12/383,438	:	DECISION ON PETITION
Filed: May 23, 2009	:	TO WITHDRAW
Attorney Docket No.	:	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 17, 2011.

The request is **DISMISSED**.

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.

According, since the most current address for the first named inventor has not been provided, the request to withdraw from record is not proper and cannot be approved at this time.

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: JEFFREY B. WOLF
2814 RANCHO PANCHO
CARLSBAD, CA 92009

cc: JASON VOGEL
11141 TAMPA AVENUE
SHERMAN OAKS CA 91326

cc: KIRK WILLIAM HERMANN
5661 DERBY COURT, #202
ALEXANDRIA, VA 22311



UNITED STATES 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 F. Smith
905 Ohio Pike
Cincinnati OH 45245

MAILED

AUG 13 2010

In re Application of
Timothy C. Coletta
Application No. 12/383,440
Filed: March 24, 2009
Attorney Docket No. **OCT-001PAT**

OFFICE OF PETITIONS

**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

This is a decision on the petition, filed June 18, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **DISMISSED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on February 16, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A review of the file record discloses that on March 24, 2009, petitioner submitted a nonpublication request under 35 U.S.C. 122(b). On June 18, 2010, petitioner submitted a Notification of Foreign Filing Pursuant to 37 CFR 1.213(b) indicating rescission of the previous nonpublication request, however, the required statement "I hereby **rescind** the previous nonpublication request" was omitted. Accordingly, the petition cannot be considered at this time. A PTO/SB/36 Rescission of Previous Nonpublication Request form has been enclosed for petitioner's convenience.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-7253.



JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: PTO/SB/36 Rescission of Previous Nonpublication Request Form



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mark F. Smith
905 Ohio Pike
Cincinnati OH 45245

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of :
Timothy C. Coletta :
Application No. 12/383,440 :
Filed: March 24, 2009 :
Attorney Docket No. **OCT-001PAT** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition, filed August 30, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 16, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

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

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 16, 2011, accompanies this decision on petition.

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

This application is being forward to Technology Center Art Unit 3748 for examination in due course.



JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 4 columns: APPLICATION NUMBER (12/383,440), FILING OR 371(C) DATE (03/24/2009), FIRST NAMED APPLICANT (Timothy C. Coletta), ATTY. DOCKET NO./TITLE (OCT-001PAT)

CONFIRMATION NO. 8911

Mark F. Smith
905 Ohio Pike
Cincinnati, OH 45245

NONPUBLICATION RESCISSION LETTER



Date Mailed: 03/09/2011

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

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

The projected publication date is 06/16/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jlburke/

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



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Valenti, Hanley & Robinson, PLLC
One Riverfront Plaza
401 W. Main Street
Louisville, KY 40202

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of :
Steven Wagner :
Application No. 12/383,453 : **DECISION GRANTING PETITION**
Filed: March 23, 2009 :
Attorney Docket No. 113027.000026US1 :

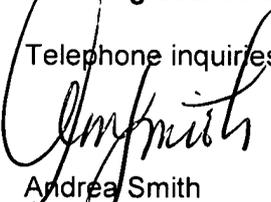
This is a decision on the petition under 37 CFR 1.10(c), filed September 8, 2009 and October 12, 2011, requesting that the above-identified application be accorded a filing date of March 23, 2009, rather than the presently accorded date of March 25, 2009.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on March 23, 2009, pursuant to 37 CFR 1.10.

It is noted that petitioner did not supply the Office with the Express Mail label receipt that shows that the package in question was deposited with the USPS as Express Mail on March 23, 2009, as required by 37 CFR 1.10(c)¹. However, since petitioner provided the Office with the USPS Express Mail Track and Confirm records which shows that Express Mail Label No. EH 306606233 US was processed through a Sort Facility on March 23, 2009, at 10:34 pm at the Louisville, KY 40221 USPS, the evidence is convincing that the application was deposited in Express Mail service on March 23, 2009. Accordingly, the petition is **granted**.

This application file is being referred to the Office of Patent Application Processing **for correction of the filing date to March 23, 2009, and for issuance of a corrected filing receipt.**

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


Andrea Smith
Petitions Examiner
Office of Petitions

¹ This petition is properly treated as a petition under 37 CFR 1.10(d).



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APR 15 2011

OFFICE OF PETITIONS

**THOMAS J. MC WILLIAMS
DRINKER BIDDLE & REATH LLP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996**

In re Application of	:	
FUJIOKA, et al	:	
Application No. 12/383,456	:	DECISION ON PETITION
Filed: March 24, 2009	:	TO WITHDRAW
Attorney Docket No. 203103-0001-00-US 436202	:	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 22, 2011.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office appears to be that of an assignee who has not been properly made of record under 37 C.F.R 3.71. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 states:

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

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

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

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

cc: FUHU INC.
909 N. SEPULVEDA BOULEVARD,
SUITE 540
EL SEGUNDO CA 90245



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

MAY 27 2011

OFFICE OF PETITIONS

**THOMAS J. MCWILLIAMS
DRINKER BIDDLE & REATH LLP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA PA 19103-6996**

In re Application of	:	
FUJIOKA	:	
Application No. 12/383,456	:	DECISION ON PETITION
Filed: May 24, 2009	:	TO WITHDRAW
Attorney Docket No. 203103-0001-00-US 436202	:	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 25, 2011.

The request is **APPROVED**.

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

The request was signed by Edward F. Behm, on behalf of the attorneys of record associated with Customer No. 23973.

The attorneys of record associated with Customer No. 23973 have been withdrawn.

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

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

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

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

cc: ROBB FUJIOKA
1701 N. MEADOWS AVENUE
MANHATTAN BEACH CA 90266



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



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



Morriss OBryant Compagni, P.C.
734 East 200 South
Salt Lake City, UT 84102

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of
Linda J. Chard
Application No. 12/383,470
Filed: March 24, 2009
Attorney Docket No. 3355:LCHA.CIP

**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 6, 2011.

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

A review of the file record indicates that the power of attorney to, Morriss OBryant Compagni, P.C., has been revoked by the applicant of the patent application on July 5, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Eminent IP, P.C.
P.O. Box 573
Salt Lake City, UT 84101-0573



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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**PATRICK REILLY
P.O. BOX 7218
SANTA CRUZ CA 95061-7218**

**MAILED
MAR 23 2012
OFFICE OF PETITIONS**

In re Application of :
C. Robert Logue :
Application No. 12/383,474 : **DECISION ON PETITION**
Filed: March 24, 2009 :
Attorney Docket No. CRL-002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 23, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed October 21, 2011. Accordingly, the date of abandonment of this application is January 24, 2012. A Notice of Abandonment was mailed on February 6, 2012.

The petition satisfies the requirements of 37 CFR 1:137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870 and the publication fee of \$300, (2) the petition fee of \$930, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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DEC 19 2011

OFFICE OF PETITIONS

Goldeneye, Inc.
Suite 233
9747 Businesspark Avenue
San Diego CA 92131

In re Application of :
Scott M. Zimmerman :
Application No. 12/383,567 : **ON PETITION**
Filed: March 25, 2009 :
Attorney Docket No. KB35 :

This is a decision on the petition filed November 7, 2011 under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

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

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of March 18, 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). Accordingly, the date of abandonment of this application is June 24, 2011. A Notice of Abandonment was mailed on October 25, 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 (1).

As to item 1, the amendment filed on November 7, 2011, does not *prima facie* place the application in condition for allowance, therefore the reply required must be a Notice of Appeal (and appeal fee), an RCE, or the filing of a continuing application under 37 CFR 1.53(b). See attached courtesy copy of the advisory action.

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

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

12/383,567

Applicant(s)

ZIMMERMAN, SCOTT M.

Examiner

CAMIE THOMPSON

Art Unit

1786

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 November 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires 3 months from the mailing date of the final rejection.

b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) They raise new issues that would require further consideration and/or search (see NOTE below);

(b) They raise the issue of new matter (see NOTE below);

(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 7-9.

Claim(s) objected to: 2 and 3.

Claim(s) rejected: 1 and 4-6.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: it relies upon a non-entered amendment.

12. Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. Other: _____.

/Jennifer A Chriss/
Supervisory Patent Examiner, Art Unit 1786

CAMIE THOMPSON
Examiner
Art Unit: 1786

Continuation of 3. NOTE: Applicant's proposed amendment reciting a solid inorganic matrix narrows the scope of the claims. Applicant's claim set filed 1/18/2011 recited an inorganic matrix. An additional search would be required..



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Goldeneye, Inc.
Suite 233
9747 Businesspark Avenue
San Diego CA 92131

MAILED

FEB 14 2012

OFFICE OF PETITIONS

In re Application of
Scott M. Zimmerman
Application No. 12/383,567
Filed: March 25, 2009
Attorney Docket No. KB35

ON PETITION

This is a decision on the renewed petition filed February 3, 2012, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, March 18, 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 20, 2011. A Notice of Abandonment was mailed on October 25, 2011.

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

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

This application is being referred to Technology Center AU 1786 for appropriate action by the Examiner in the normal course of business on the reply received November 7, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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URANIA JUANG
266 E. GISH ROAD
SAN JOSE, CA 95112

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Birukov et al.	:	DECISION ON PETITION
Application No. 12/383,589	:	TO WITHDRAW
Filed: March 26, 2009	:	FROM RECORD
Attorney Docket No. FIGOVSKY-006	:	

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 21, 2010.

The request is **NOT APPROVED**.

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

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

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

There is an outstanding Office action mailed July 26, 2010, that requires a reply.

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

Alicia Kelley
Petitions Examiner
Office of Petitions



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URANIA JUANG
266 E. GISH ROAD
SAN JOSE, CA 95112

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of :
Birukov et al. :
Application No. 12/383,589 :
Filed: March 26, 2009 :
Attorney Docket No. FIGOVSKY-006 :

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 November 13, 2010.

The request is **NOT APPROVED**.

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

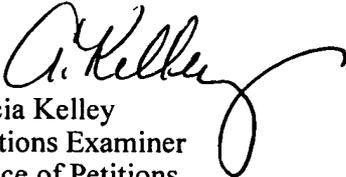
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Although the current request is properly withdrawing as attorney via customer number, the request still cannot be approved. The change of correspondence address can only be that of, the first named inventor or the assignee of record.

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

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


Alicia Kelley
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL R. MARTIN
5333 BAYRIDGE COURT
FAIRFIELD CA 94534

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Application of :
Shaun L. KREBSBACH :
Application No. 12/383,612 : **DECISION ON PETITION**
Filed: March 30, 2009 :
Attorney Docket No. **PRM1030041-A** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 05, 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 April 17, 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 June 18, 2009.

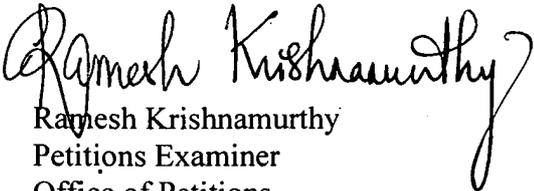
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the replacement drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of April 17, 2009 is accepted as having been unintentionally delayed.

Petitioner should note that the Terminal disclaimer filed concurrently with the instant petition, is unnecessary in reviving this utility application that has been filed after June 8, 1995.

Also, the \$70 fee included with the Terminal Disclaimer, filed concurrently with the instant petition, is unnecessary. Petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patent, 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 Tredelle Jackson at (571) 272-2783.

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


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED
DEC 19 2011
OFFICE OF PETITIONS

In re Application of :
Barry N. Cox, et al. :
Application No. 12/383,659 : **DECISION ON PETITION**
Filed: March 27, 2009 :
Attorney Docket No. 4112.1000-006 :

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**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 11, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 8, 2011. Accordingly, the date of abandonment of this application is October 12, 2011. The Notice of Abandonment was mailed October 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870 and the publication fee of \$300, (2) the petition fee of \$930; and (3) a proper statement of unintentional delay.

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



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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In re Patent No. VOTOLATO, EARL
Issue Date: 02/15/2011
Appl No.: 12/383,677
Filed: March 27, 2009
For: SAFETY CUTTING APPARATUS

:
:
: **DECISION GRANTING**
: **PETITION**
: *37 CFR 1.324*
:
:
:
:
:

This is a decision on the petition filed 4/12/11 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724

Boyer D. Ashley
Supervisory Patent Examiner
Art Unit 3724
Technology Center 3700

LAUSON & TARVER LLP
880 APOLLO STREET
SUITE 301
EL SEGUNDO, CA 90245



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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DATE: April 28, 2011
TO: Certificates of Correction Branch
FROM: Boyer D. Ashley
SPE, Art Unit 3724
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,886,443 as specified on the attached Certificate.

/Boyer D. Ashley/
Supervisory Patent Examiner, Art Unit 3724

Boyer D. Ashley, SPE
Art Unit 3724

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,886,443

Patented: 02/15/2011

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

David A. Sharbaugh

Earl J. Votolato

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724

Boyer D. Ashley

Supervisory Patent Examiner

Art Unit 3724

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 detecting an abnormal current within a hybrid bridge of a DG power converter and controlling current flow through the hybrid bridge based on the detected abnormal current. Such operation prevents damage to the power conversion device due to the abnormal current, thereby improving the operating efficiency of the power conversion device and the corresponding DG.

Statement Pertaining to Restriction Requirement

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

Publication Fee

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

CONCLUSION

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

Respectfully submitted,

Moser IP Law Group

Date: November 19, 2010

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

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

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: EE018	Application Number (if known): 12/383,729	Filing date: 03-26-2009
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First Named Inventor: MARTIN FORNAGE

Title: METHOD AND APPARATUS FOR RESETTING SILICON CONTROLLED RECTIFIERS IN A HYBRID BRIDGE

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

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

- By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: STATEMENTS OF SPECIAL STATUS

Signature /RAYMOND R. MOSER, JR./	Date NOVEMBER 19, 2010
-----------------------------------	------------------------

Name (Print/Typed) RAYMOND R. MOSER, JR.	Registration Number 34,682
--	----------------------------

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

*Total of 1 forms are submitted.

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

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

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

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

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

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

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/383,729	03/26/2009	Martin Fornage	EE018	5736
54698	7590	11/30/2010	EXAMINER	
RAYMOND R. MOSER JR., ESQ.			HAN, YOUNGHUIE JESSICA	
MOSER IP LAW GROUP			ART UNIT	PAPER NUMBER
1030 BROAD STREET			2838	
SUITE 203			MAIL DATE	DELIVERY MODE
SHREWSBURY, NJ 07702			11/30/2010	PAPER

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

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



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

In re Application of	:	
Martin FORNAGE	:	DECISION ON PETITION
Application No. 12/383,729	:	TO MAKE SPECIAL UNDER
Filed: March 26, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. EE018	:	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 **DISMISSED**.

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

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

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

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to the development of renewable resources. Specifically, the petition indicates that the present invention relates 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. However, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to the development of renewable resources. Any argument that the claimed invention can be used with solar power systems, windfarms, and hydroelectric energy systems is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

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

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

The application is being forwarded to the Technology Center Art Unit 2838 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE SUITE 250
ALISO VIEJO CA 92656

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of : DECISION
Smith, et al. : ON PETITION
Application No. 12/383,777 :
Filed: March 27, 2009 :
Attorney Docket Number: UOP-415US :

This is in response to the petition under 37 CFR 1.84(a)(2), filed March 27, 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.

37 CFR 1.84(b)(2) states that color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied under 37 CFR 1.84(a)(2) and 37 CFR 1.84(b)(1).

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

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

Lastly, 37 CFR 1.84(b)(1) states that the Office will accept photographs when the photographs are the "only practical medium for illustrating the claimed invention."

Here, the Office has determined that color photographs for Figures 1 – 15 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.

Receipt of the \$130 petition fee is acknowledged.

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



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

Bryan S. Myers
209
350 Cypress Creek Rd
Cedar Park TX 78613

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of :
Bryan Scott Myers :
Application No. 12/383,799 : **DECISION ON PETITION**
Filed: March 30, 2009 :
Attorney Docket No. :

This is a decision on the petitions under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2010 and February 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 25, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 26, 2010. A Notice of Abandonment was mailed on December 7, 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 3764 for appropriate action by the Examiner in the normal course of business on the reply received February 22, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
 Approved for use through 07/31/2012. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12383801	Confirmation Number	6400	Filing Date	2009-03-30
Attorney Docket Number (optional)	99999-TED	Art Unit	2816	Examiner	John Poos
First Named Inventor	Theodore Bullock				
Title of Invention	Activatable Data Transmitter Sysytem				
<p>Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.</p> <p>A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Theodre	Kenneth	Bullock			
<p>A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.</p>					
Signature	//kristyneabullock//	Date (YYYY-MM-DD)	2011-06-28		
Name	Kristyne A. Bullock	Registration Number	42371		

Privacy Act Statement

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

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

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



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In re Application of
Theodore Bullock

:
:

Application No. 12383801

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

Filed: March 30,2009

:

Attorney Docket No. 99999-TED

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 28-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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



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BROOKS KUSHMAN PC
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of :
Moessnang :
Application No. 12/383,831 : ON PETITION
Filed: March 26, 2009 :
Attorney Docket No. MULT 0128 PUSA :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 4, 2011.

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

The holding of abandonment is **WITHDRAWN**.

This application became abandoned by operation of law for failure to timely file a reply to the Notice of Non-Compliant Amendment, mailed January 12, 2011. This Notice set an extendable period for reply of one month. No reply having been received, the application became abandoned on February 13, 2011. The Office mailed a Notice of Abandonment on July 27, 2011.

Petitioner contends that he did not receive the January 12, 2011 Notice of Non-Compliant Amendment. In support thereof, petitioner has submitted a copy of a master docket report, showing all of the firm's replies docketed for a due date of February 12, 2011. An entry for the instant application does not appear. Petitioner has also submitted a copy of the electronic file jacket for the instant application.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.¹ A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."² "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."³

Petitioner has met the above requirements. Accordingly, it is concluded that petitioner did not receive the January 12, 2011 Notice of Non-Compliant Amendment.

The application is being forwarded to Group Art Unit 2856 for re-mailing of the January 12, 2011 Notice of Non-Compliant Amendment, setting a new period for reply.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c) (II).

² Id.

³ Id.

Issue Classification 	Application/Control No. 12/383,855	Applicant(s)/Patent under Reexamination PATEL ET AL.	
	Examiner FRANK LU	Art Unit 1634	

ISSUE CLASSIFICATION											
ORIGINAL					CROSS REFERENCE(S)						
CLASS		SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					
435		6.1			435	6.11	91.1	91.52			
INTERNATIONAL CLASSIFICATION					536	23.1	24.3	24.33	25.3		
C	1	2	Q	1/68							
C	1	2	P	19/34							
C	0	7	H	21/02							
C	0	7	H	21/04							
C	0	7	H	21/00							
(Assistant Examiner) (Date)					/Frank W Lu/ 4/18/2012					Total Claims Allowed: 10	
(Legal Instruments Examiner) (Date)										(Primary Examiner) (Date)	

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47			
Final	Original	Final	Original	Final	Original	Final	Original		
1	1		31		61		121		181
2	2		32		62		122		182
	3		33		63		123		183
3	4		34		64		124		184
4	5		35		65		125		185
	6		36		66		126		186
	7		37		67		127		187
	8		38		68		128		188
	9		39		69		129		189
	10		40		70		130		190
5	11		41		71		131		191
	12		42		72	6	132		192
	13		43		73	7	133		193
	14		44		74	8	134		194
	15		45		75	9	135		195
	16		46		76	10	136		196
	17		47		77		137		197
	18		48		78		138		198
	19		49		79		139		199
	20		50		80		140		200
	21		51		81		141		201
	22		52		82		142		202
	23		53		83		143		203
	24		54		84		144		204
	25		55		85		145		205
	26		56		86		146		206
	27		57		87		147		207
	28		58		88		148		208
	29		59		89		149		209
	30		60		90		150		210



PHILIP JARVINEN
15 FAIRWAY DRIVE
AMHERST NH 03031

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Philip Onni Jarvinen :
Application No. 12/383,894 :
Filed: March 30, 2009 :
Title of Invention: **Means to Prospect For** :
Water Ice on Heavenly Bodies :

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed October 24, 2011, which is being treated under 37 CFR 1.181.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181," or, as explained in more detail below, "...under 37 CFR 1.137(a)" or (b). This is not a final agency decision.

This application became abandoned for failure to timely file a reply to the final Office action mailed October 27, 2010, which set a three (3) month shortened statutory period for reply. The response filed January 10, 2011 did not place the application in condition for allowance. An advisory action was mailed March 1, 2011. A subsequent response was filed April 14, 2011, however, a Notice of Abandonment was mailed on September 14, 2011.

Petitioner asserts that he "met his obligations in a timely manner but was unable to bring the amended claims to a state of allowance due to the lack of responses by the patent examiner to amended claims filed on January 20, 2011 and April 14, 2011.

Petitioner's arguments have been considered but are not persuasive.

Pursuant to 37 CFR 1.136, up to a three month extension of time could have been requested with the proper extension of time fees. No such extension of time was requested. Petitioner is advised that while a response was filed after the three month period set for response (April 10, 2011), the application is abandoned because the response (April 14, 2011) was not timely filed with an extension of time.

In view of the above, and since the arguments presented do not substantiate a finding that the response was timely filed, the holding of abandonment will not be withdrawn and the notice of abandonment will not be vacated.

Petitioner may wish to file a petition to revive under 37 CFR 1.137(a) or (b). Section 1.137(b) now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By FAX: (571) 273-8300

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


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



PHILIP JARVINEN
15 FAIRWAY DRIVE
AMHERST NH 03031

MAILED

JAN 26 2012

OFFICE OF PETITIONS

In re Application of :
Philip Onni Jarvinen :
Application No. 12/383,894 :
Filed: March 30, 2009 :
Title of Invention: **Means to Prospect For** :
Water Ice on Heavenly Bodies :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b)¹, filed December 21, 2011 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply to the final Office action mailed October 27, 2010, which set a three (3) month shortened statutory period for reply. The response filed January 10, 2011 did not place the application in condition for allowance. An advisory action was mailed March 1, 2011. A subsequent response was filed April 14, 2011, however, a Notice of Abandonment was mailed on September 14, 2011. A petition filed October 24, 2011 under 37 CFR 1.181 was dismissed in a decision mailed November 7, 2011 because while a response was filed after the three month period set for response (April 10, 2011), the application was abandoned because the response (April 14, 2011) was not timely filed with an extension of time pursuant to 37 CFR 1.136.

Comes now petitioner with the instant petition and has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

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

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In 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).

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to Technology Center 2612 for processing of the RCE.

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

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

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

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

MAILED

SEP 30 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MUNGER, Rejean, et al. :
Application No.: 12/383,930 :
Filing Date: 30 March 2009 :
Att Docket No.: 6031.002 :
For: CORRELATION TECHNIQUE FOR :
ANALYSIS OF CLINICAL :
CONDITION :

DECISION

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed 28 July 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

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

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

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37

CFR 1.17(t) has been submitted; and (3) the petition's statement of unintentional delay is construed to mean the entire delay between the date the claims were due under paragraph 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) of this section and the date the claim were filed was unintentional. If this is not a correct interpretation, applicants must notify the Office immediately. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Erin Thomson at (571) 272-3292. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2877 for appropriate action, including consideration by the examiner of the claim for benefit of the prior-filed applications.

/Boris Milef/

Boris Milef
PCT Legal Examiner
PCT Legal Administration



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
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/383,930, 03/30/2009, 2877, 902, 6031.002, 27, 4

CONFIRMATION NO. 2368

CORRECTED FILING RECEIPT

30589
DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113



Date Mailed: 09/30/2011

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)

Rejean Munger, Orleans, CANADA;
Neil Lagali, Ottawa, CANADA;

Assignment For Published Patent Application

Ottawa Hospital Research Institute

Power of Attorney: The patent practitioners associated with Customer Number 30589

Domestic Priority data as claimed by applicant

This application is a CON of PCT/CA2007/001706 09/21/2007
which claims benefit of 60/827,605 09/29/2006

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.)

If Required, Foreign Filing License Granted: 04/14/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/383,930

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Correlation technique for analysis of clinical condition

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 Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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



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David A. Frijouf, Esquire
Frijouf, Rust & Pyle, P.A.
201 East Davis Boulevard
Tampa FL 33606

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of :
Charles E. West et al. :
Application No. 12/384,056 : **DECISION ON PETITION**
Filed: March 30, 2009 :
Attorney Docket No. **2008-0106** :

This is a decision on the petition, filed June 27, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action of November 29, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 8, 2011.

Petitioner contends that the Notice of Abandonment was mailed in error since a timely reply (Amendment) was filed with the reply bearing a Certificate of Mailing dated May 31, 2011 along with a request for three (3) month extension of time. A review of the application file record confirms the receipt of this reply with a three (3) month extension of time, on June 6, 2011, with a Certificate of Mailing dated May 31, 2011. It is noted that May 29, 2011 fell on a Sunday and May 30, 2011 was a federal holiday. Accordingly, the reply filed was timely and the application is not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby **VACATED** and the holding of abandonment **WITHDRAWN**.

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

This application is being referred to Technology Center AU 3723 for appropriate action in the normal course of business on the reply filed June 6, 2011.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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JOHNSON & ASSOCIATES
317A E. LIBERTY STREET
SAVANNAH, GA 31401

MAILED

OCT 01 2010

In re Application of
Paul Harkin, et al.
Application No. 12/384,071
Filed: March 31, 2009
Attorney Docket No.: ADL-0103

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OFFICE OF PETITIONS
ON PETITION

This is a decision in response to the petition, filed August 20, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

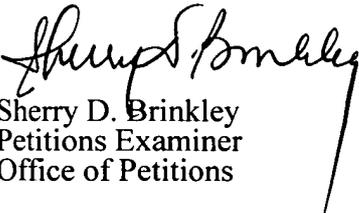
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 27, 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 February 28, 2010. A Notice of Abandonment was mailed on August 11, 2010. On August 20, 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 delay¹.

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.

The application is being referred to Technology Center AU 1634 for consideration of the response filed August 20, 2010.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



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MAILED

APR 06 2011

OFFICE OF PETITIONS

**Johnson & Associates
317A E. Liberty Street
Savannah GA 31401**

In re Application of :
Paul Harkin et al. :
Application No. 12/384,071 : **ON PETITION**
Filed: March 31, 2009 :
Attorney Docket No. ADL-0103 :

This is a decision on the request which will be treated as a petition under 37 CFR 1.182, filed January 7, 2011, to correct the name of an inventor and correct the country of residence(s) of the inventor(s) and assignee(s).

The petition is **GRANTED**.

The name of the inventor has been corrected from **Patrick Johnson** to **Patrick Johnston** and the country of residence of inventors has been corrected.

A petition under 37 CFR 1.182 requires a fee of \$400. This fee will be charged to deposit account no. 50-5193 as authorized.

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

Telephone inquiries regarding this decision may be directed to Kimberly Inabinet (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/384,071, 03/31/2009, 1634, 1582, ADL-0103, 21, 5

CONFIRMATION NO. 2891

CORRECTED FILING RECEIPT



95280
Johnson & Associates
317A E. Liberty Street
Savannah, GA 31401

Date Mailed: 04/04/2011

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)

Paul Harkin, Belfast, UNITED KINGDOM;
Patrick Johnston, Four Winds, UNITED KINGDOM;
Karl Mulligan, Belfast, UNITED KINGDOM;
Austin Tanney, Cookstown, UNITED KINGDOM;

Assignment For Published Patent Application

Almac Diagnostics Limited, Almac House, UNITED KINGDOM

Power of Attorney: The patent practitioners associated with Customer Number 95280

Domestic Priority data as claimed by applicant

This application is a CON of 11/266,748 11/03/2005
which claims benefit of 60/662,276 03/14/2005
and claims benefit of 60/700,293 07/18/2005

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

- EUROPEAN PATENT OFFICE (EPO) 04105479.2 11/03/2004
EUROPEAN PATENT OFFICE (EPO) 04105482.6 11/03/2004
EUROPEAN PATENT OFFICE (EPO) 04105483.4 11/03/2004
EUROPEAN PATENT OFFICE (EPO) 04105484.2 11/03/2004
EUROPEAN PATENT OFFICE (EPO) 04105507.0 11/03/2004
EUROPEAN PATENT OFFICE (EPO) 04105485.9 11/03/2004

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper Request to

Retrieve Electronic Priority Application(s) (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 05/20/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/384,071**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Transcriptome microarray technology and methods of using the same

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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



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Morland C. Fischer
Suite 1300
2030 Main Street
Irvine CA 92614

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :
Arthur Hendey, Sr. et al. :
Application No. 12/384,158 : **DECISION ON PETITION**
Filed: April 2, 2009 :
Attorney Docket No. HEN-113 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 26, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 27, 2010. A Notice of Abandonment was mailed on December 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) 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 2855 for appropriate action by the Examiner in the normal course of business on the reply received March 10, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Yethsi Hoba Makor Hernandez
1830 Judy Circle
Marietta, GA 30060

MAILED

DEC 14 2011

OFFICE OF PETITIONS

In re Application of
Yethsi Hoba Makor Hernandez
Application No. 12/384,223
Filed: February 25, 2010
Attorney Docket No. N/A

ON PETITION

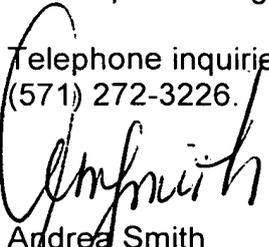
This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2011, to revive the above-identified application.

The application became abandoned for failure to file a reply to the Notice to File Corrected Application Papers (Notice) mailed on March 12, 2010. A Notice of Abandonment was mailed 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 claims commencing on a separate sheet; (2) the petition fee of \$930; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

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


Andrea Smith
Petitions Examiner
Office of Petition



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PROPAT, L.L.C.
425-C SOUTH SHARON AMITY ROAD
CHARLOTTE, NC 28211-2841

MAILED

JAN 20 2011

OFFICE OF PETITIONS

Applicant: Kliesch, et al.
Appl. No.: 12/384,239
Filing Date: April 2, 2009
Title: BIAXIALLY ORIENTED HYDROLYSIS-STABLE POLYESTER FILM
COMPRISING EPOXIDIZED FATTY ACID DERIVATIVES, AND PROCESS FOR
PRODUCTION THEREOF AND USE THEREOF
Attorney Docket: 08/045 MFE
Pub. No.: US 2010/0120946 A1
Pub. Date: May 13, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 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 title of the invention "BIAXIALLY ORIENTED HYDROLYSIS-STABLE POLYESTER FILM COMPRISING EPOXIDIZED FATTY ACID DERIVATIVES, AND PROCESS FOR PRODUCTION THEREOF AND USE THEREOF" is misprinted as "Mitsubishi Polyester Film GmbH."

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 title of the invention "BIAXIALLY ORIENTED HYDROLYSIS-STABLE POLYESTER FILM COMPRISING EPOXIDIZED FATTY ACID DERIVATIVES" is misprinted as "Mitsubishi Polyester Film GmbH" may be an Office error, but it is a not material Office error under 37 CFR 1.221. The error does not affect

¹Changes 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 understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The title of the invention should be listed atop the specification, usually the first line. Since applicant listed the assignee's name on the first line, this is what the Office processed as the title. See MPEP 606 and 608.01(a).

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.

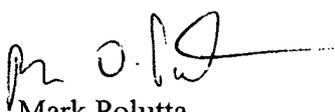
A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kathleen Terry
13840 Johnson Street NE
Ham Lake, MN 55304

MAILED

APR 11 2011

In re Application of : **OFFICE OF PETITIONS**
John A. ST. CYR, et al. :
Application No. 12/384,282 : DECISION ON PETITION
Filed: April 2, 2009 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. **BP.039US1** :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 7, 2009, 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 concurrently filed amendment.

The petition is **GRANTED**.

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

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that 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, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253. 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 4125 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.



Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/384,282, 04/02/2009, 4125, 610, BP.039US1, 6, 2

CONFIRMATION NO. 7708

CORRECTED FILING RECEIPT

Kathleen Terry
13840 Johnson Street NE
Ham Lake, MN 55304



Date Mailed: 04/11/2011

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)

John A. St. Cyr, Coon Rapids, MN;
David J. Perkowski, San Clemente, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/072,774 04/02/2008
and claims benefit of 61/204,658 01/09/2009

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

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

If Required, Foreign Filing License Granted: 05/11/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/384,282

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Use of ribose in first response to acute myocardial infarction

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

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

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

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

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

NOT GRANTED

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

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:	12/384,311	Filing date:	04/02/2009
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First Named Inventor:	Steven Friedlander
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Title of the Invention:	TV Widget Multiview Content Organizer
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

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

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

The corresponding PCT application number(s) is/are: PCT/US2010/028678

The international filing date of the corresponding PCT application(s) is/are: 03/25/2010

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.**

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.
12/384,311	04/02/2009	Steven Friedlander	SY-02366.01	6704
24337	7590	04/19/2011	EXAMINER	
MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			TELAN, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2427	
			MAIL DATE	DELIVERY MODE
			04/19/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

APR 19 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH NC 27606

In re Application of: Steven
FRIEDLANDER, ET AL.
Application No. 12/384311
Filed: April 2, 2009
For: TV WIDGET MULTIVIEW
CONTENT ORGANIZATION

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 04, 2011 to make the above identified application special.

The petition is **GRANTED**

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

1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial

applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

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

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." Any preliminary amendments and IDS submitted

Application SN 12/384,311
Decision on Petition

with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

Accordingly, the Petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

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

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

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist,
Technology Center 2400

Doc Code: PPH.PCT.652

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

PTO/SB/20PCT-KR (06-10)

Approved for use through 01/31/2012. OMB 0651-0058

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

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

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

Application No:	12/384,337	Filing date:	2009-04-01
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First Named Inventor:	William C. Schwegler
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Title of the Invention:	Gradually Changing Perspective Map
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/039225

The international filing date of the corresponding PCT application(s) is/are: 2009-04-01

I. List of Required Documents:

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

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

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

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

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

Privacy Act Statement

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

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

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

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:

BROWNSTONE, Daniel, R.
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Date of mailing (<i>day/month/year</i>) 14 October 2010 (14.10.2010)		IMPORTANT NOTICE	
Applicant's or agent's file reference 15387 PCT			
International application No. PCT/US2009/039225	International filing date (<i>day/month/year</i>) 01 April 2009 (01.04.2009)	Priority date (<i>day/month/year</i>) 01 April 2008 (01.04.2008)	
Applicant DECARTA INC. et al			

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

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Beate Giffo-Schmitt e-mail: pt03.pct@wipo.int
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PATENT COOPERATION TREATY

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference 15387 PCT	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2009/039225	International filing date (<i>day/month/year</i>) 01 April 2009 (01.04.2009)	Priority date (<i>day/month/year</i>) 01 April 2008 (01.04.2008)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant DECARTA INC.			

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

2. This REPORT consists of a total of 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:

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

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

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 05 October 2010 (05.10.2010)
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

BROWNSTONE DANIEL R.

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing

(day/month/year) **01 SEPTEMBER 2009 (01.09.2009)**

Applicant's or agent's file reference

15387 PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

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

G06F 3/048(2006.01)i, G06F 3/14(2006.01)i, G01C 21/26(2006.01)i

Applicant

DECARTA INC. et al

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/KR
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Government Complex-Daejeon, 139
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Facsimile No. 82-42-472-7140



Date of completion of this opinion

31 AUGUST 2009 (31.08.2009)

Authorized officer

JEONG, Jae Woo

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/039225

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

the international application in the language in which it was filed

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

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

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

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

on paper

in electronic form

c. time of filing/furnishing

contained in the international application as filed.

filed together with the international application in electronic form.

furnished subsequently to this Authority for the purposes of search.

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

5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/039225

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 - 8	YES
	Claims	None	NO
Inventive step (IS)	Claims	1 - 8	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1 - 8	YES
	Claims	None	NO

2. Citations and explanations :

Reference is made to the following documents cited in the ISR.

D1 : US 2006-0287819 A1 21.12.2006

D1 discloses a method for vehicle navigation, which comprises the steps of determining a vehicle location, determining a point-of-interest based on the vehicle location, retrieving a resolution independent representation of the point-of-interest, generating a view of the point of interest from the resolution independent representation, and displaying the view.

1. Novelty and Inventive Step

Claim 1

Claim 1 of the present invention relates to a method for displaying a digital map, which comprises the steps of displaying a digital map on a display device according to a first view; in response to a first request from a user, displaying the digital map on the display device according to a second view, the second view having a second scale larger than the first scale and a second foreshortening ratio less than the first foreshortening ratio; and in response to a second request from the user, displaying the digital map on the display device according to a third view, a third view having a second scale larger than the second scale and a third foreshortening ratio less than the second foreshortening ratio.

Claim 1 of the present invention and document D1 that is the closest prior art to the present invention, relate to the perspective view of a digital map. However, D1 does not disclose displaying the digital map on the display device according to a view having a scale larger than the prior scale and a foreshortening ratio less than the prior foreshortening ratio in response to a request from a user, which is the key technical feature of claim 1. Therefore, the invention of claim 1 is considered to be novel under PCT Article 33(2).

(Continued on Supplemental Box)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/039225

Supplemental Box

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

Continuation of :

Box No. V

Moreover, the technical feature of claim 1, displaying the digital map on the display device according to a view having a scale larger than the prior scale and a foreshortening ratio less than the prior foreshortening ratio in response to a request from a user, is not obvious to a person skilled in the art. Therefore, the invention of claim 1 is considered to fulfill the requirement of inventive step under PCT Article 33(3).

Claims 7 and 8

Claims 7 and 8 of the present invention relate to a system for displaying a digital map and a computer program product for displaying a digital map, respectively, which adopt the same subject matter as claim 1. Therefore, the inventions of claims 7 and 8 are also considered to fulfill the requirements of novelty and inventive step under PCT Article 33(2), (3).

Claims 2-6

Claims 2-6, which are dependent on claim 1, are also considered to fulfill the requirements of novelty and inventive step under PCT Article 33(2), (3).

2. Industrial Applicability

The present invention is industrially applicable under PCT Article 33(4).

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[Continued on next page]

(54) Title: GRADUALLY CHANGING PERSPECTIVE MAP

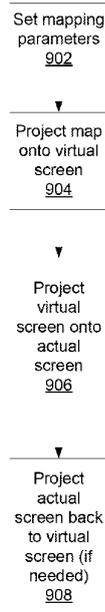


Fig. 9

(57) Abstract: Display of digital maps with gradually changing perspective is provided. A perspective engine selects from among possible foreshortening ratios depending on the selected map scale. In one embodiment, the perspective engine uses a fixed perspective view corresponding to each of a fixed set of scales. In alternative embodiments, there is a continuum of scales, and parameters are specified as functions of the scale, rather than as fixed values. In general, at smaller scales - that is, more zoomed-out - the displayed perspective appears to be more flat, as though looking straight down at the map. At larger scales - more zoomed-in - the map is displayed with increasing perspective. In some embodiments, once a threshold scale is reached, continuing to zoom in does not additionally increase the perspective; similarly, once a threshold zoomed-out scale is reached, the map continues to be displayed in a two-dimensional flat appearance.

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GRADUALLY CHANGING PERSPECTIVE MAP

Inventors

William C. Schwegler

Richard F. Poppen

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] This application claims the benefit of United States Provisional Application 61/041,594, filed on April 1, 2008, incorporated by reference herein in its entirety.

BACKGROUND

[0002] Field of the Invention

[0003] The present invention relates generally to display of maps in a user interface of a navigation system. In particular, the present invention is directed to providing varying perspective views of displayed maps according to the scale of the displayed map.

[0004] Description of the Related Art

[0005] Navigation systems are popularly used to guide travelers to destinations. Such systems are available built into vehicles or free-standing, to be moved from vehicle to vehicle; for use by drivers and/or pedestrians; as purpose-built devices or as applications on general-purpose devices such as personal digital assistants or mobile telephones; and as systems that are entirely self-contained or as systems that utilize a remote server to perform some or all of their calculations. We refer generally to these systems as "navigation systems."

[0006] The designer of the user interface of a navigation system has a choice of many styles for map displays. For example, there is great variation in the choice of colors and line styles. Maps can be more or less detailed; that is, there may be a large number of features drawn in a map, or only the most important features. Separately, maps can be rendered at a variety of scales, from very large (very zoomed-in) scales, showing a map only a few tens or hundreds of meters across, to very small (very zoomed-out) scales, showing a whole country or continent on a single screen. On a given device, the user can typically select from a number of map scales. A map may be shown with north at the top of the display, so that the map looks similar to a map printed in an atlas, or it may be oriented with the traveler's current heading toward the top of the display, so that objects ahead of the traveler are above the traveler's location on the map, and so that objects to the left and right of the traveler are on the left and right sides of the map. The latter type of display is

described in U.S. Patent No. 4,914,605, incorporated by reference herein in its entirety.

[0007] Another choice the designer of a user interface makes is between a two-dimensional display and a perspective view. By a two-dimensional display we mean the type of map typically seen in an atlas or in a paper map of roads, namely, a representation presented as though the viewer of the map were directly over the area depicted and were looking straight down at the earth. A perspective view, by comparison, represents the view as seen by an imaginary viewer some distance above the earth and looking, not straight down, but rather at the horizon or else toward some other point not directly below the viewer. This type of display is described in U.S. Patent No. 5,161,886, incorporated by reference herein in its entirety. The perspective view may be derived from truly three-dimensional data, so that the vertical dimension is represented accurately in the view. More often, the perspective view is effectively a perspective view of a flat map. That is, the perspective view is not a view that would be seen by a hypothetical viewer above actual terrain with varying elevations, but rather the view seen by a hypothetical viewer above a map which has been rendered as a straight-down view. (The latter is sometimes called a "2 1/2-dimensional view".) Navigation systems that offer a perspective view typically offer the same perspective at different scales. That is, the map is in effect rendered by rendering the map in various scales and orientations as a flat map, then producing a perspective view of that map, always from the same perspective.

[0008] It should be noted that in a perspective view, the scale varies from the foreground (the bottom of the image) to the background (the top of the image). The foreground of the map is necessarily more large-scale (zoomed in) than the background. As a result, if one is comparing a two-dimensional (straight-down) map at a given scale with a perspective view that has the same scale in the foreground, the perspective map will show features from a larger area of the earth because of the smaller scale in the background part of the view.

[0009] In navigation systems that offer perspective views, the user is often given a choice between a perspective view and a two-dimensional (straight-down) display. In some systems, display of very small-scale (zoomed-out) views requires more computation time or more input/output time than display of larger-scale (more zoomed-in) views. For this reason, in combination with the fact that perspective views inherently require retrieving data from a larger area of the map, some navigation systems offer perspective views only at the more large-scale

(zoomed-in) view levels, and allow only two-dimensional (straight-down) displays at the smallest-scale (most zoomed-out) levels.

SUMMARY

[0010] The present invention enables display of a digital map with gradually changing perspective. Digital map data is stored in a database of a navigation system, which may be a self-contained device, or a networked client-server system. In one embodiment the navigation system includes an optional radio for determining its current position. A perspective engine determines a perspective with which a requested map should be rendered, and then renders the map in that perspective. The rendered map is then displayed in a user interface.

[0011] Perspective engine selects from among possible foreshortening ratios depending on the selected map scale. In one embodiment, the perspective engine uses a fixed perspective view corresponding to each of a fixed set of scales. In alternative embodiments, there is a continuum of scales, and parameters are specified as functions of the scale, rather than as fixed values. In general, at smaller scales—that is, more zoomed-out—the displayed perspective appears to be more flat, as though looking straight down at the map. At larger scales—more zoomed-in—the map is displayed with increasing perspective. In some embodiments, once a threshold scale is reached, continuing to zoom in does not additionally increase the perspective; similarly, once a threshold zoomed-out scale is reached, the map continues to be displayed in a two-dimensional flat appearance.

BRIEF DESCRIPTION OF THE DRAWING

[0012] Fig. 1 is a block diagram of a system for providing a gradually changing perspective map in accordance with an embodiment of the present invention.

[0013] Fig. 2 illustrates a viewer's eye and reference points for creating perspective views of a flat map in accordance with an embodiment of the present invention.

[0014] Fig. 3 illustrates projecting a point in association with creating perspective views of a flat map in accordance with an embodiment of the present invention.

[0015] Fig. 4 illustrates parameterizing the projection in association with creating perspective views of a flat map in accordance with an embodiment of the present invention.

[0016] Fig. 5 illustrates mapping of points between the virtual screen and the actual screen in accordance with an embodiment of the present invention.

[0017] Fig. 6 illustrates the use of an angle of depression in association with creating perspective views of a flat map in accordance with an embodiment of the present invention.

[0018] Fig. 7 illustrates a reparameterization performed in association with creating perspective views of a flat map in accordance with an embodiment of the present invention.

[0019] Fig. 8 illustrates a projection from a three-dimensional space in association with creating perspective views of a flat map in accordance with an embodiment of the present invention.

[0020] Fig. 9 is a flowchart illustrating a method for creating perspective views of a flat map in accordance with an embodiment of the present invention.

[0021] The figures depict embodiments of the present invention for purposes of illustration only. One skilled in the art will readily recognize from the following discussion that alternative embodiments of the structures and methods illustrated herein may be employed without departing from the principles of the invention described herein.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0022] The present invention comprises a system and method for displaying maps that transition gradually between a perspective view and a two-dimensional view. This avoids the jarring user experience that otherwise occurs in systems where the display changes abruptly from perspective to two-dimensional, or vice versa.

[0023] Fig. 1 is a block diagram of a navigation system 100 for providing a gradually changing perspective map in accordance with an embodiment of the present invention. Navigation system 100 includes a user interface 102, for providing output to and receiving input from a user, and a perspective engine 104, for adjusting the displayed perspective of the map in accordance with the description set forth here. System 100 also includes a database 106 for storing map-related data, and optionally a global navigation satellite system radio 108, for example a GPS receiver, used to identify a position of the navigation system 100. Navigation system 100 also includes additional modules and components necessary for performing various navigation functions, but which are not germane to this description and are therefore not illustrated here.

[0024] There is a correspondence between display scales (zoom levels) and the perspective view. Accordingly, we begin with a description of the mathematics of a perspective projection.

Geometric Model

[0025] As noted, the goal in this portion of our description is to draw so-called “2½-dimensional” maps, i.e., perspective views of flat maps in a valid, aesthetically pleasing way.

[0026] We assume the initial existence of the map as a two-dimensional map, scaled appropriately, on a “virtual screen”. We define a “reference point” on the virtual screen. All coordinates in the virtual screen will be measured relative to this reference point. That is, we consider the reference point to have coordinates (0, 0) in the virtual screen.

[0027] We also define a reference point in the screen to be drawn, which we call the “actual screen”, or, when there is no confusion, just the “screen”. We also measure coordinates in the actual screen relative to the reference point. That is, we consider the reference point to have coordinates (0, 0) in the actual screen, with x increasing to the right and y increasing in the upward direction.

[0028] Note that the coordinate system for the actual screen is likely not the coordinate system that the graphics package will be using for the actual screen in implementing the described invention. Our reference point will usually be at or near the center of the screen, for reasons described below. At the implementation level, the origin in the graphics package’s model of the screen is usually in either the upper left or the lower left corner. Also, a graphics package often considers y to increase in the downward direction. It remains up to the implementer to convert between these two coordinate systems, which is a very easy task.

[0029] We construct the projection as follows: place the virtual screen, the actual screen, and the viewer’s eye in a three-dimensional coordinate system, as illustrated in Fig. 2. The virtual screen is in the xy plane, with its x and y axes oriented parallel to the x and y axes of the three-dimensional coordinate system but with its reference point located at a point R on the positive y axis. The actual screen is in the xz plane, with its x and y axes oriented parallel to the x and z axes, respectively, and with its reference point located at a point R' on the positive z axis. The viewer’s eye is located at a point E in the yz plane somewhere behind the actual screen, placed so that the reference points in the virtual and actual screens are collinear. Note that the x axis points out of the page in Fig. 2.

[0030] The projection is then constructed as follows: For any point P in the virtual screen, we construct a line from P to E . We then project P to the point P' at which this line intersects the actual screen (the xz plane). Fig. 3 illustrates this.

[0031] Parameterization

[0032] Referring to Fig. 4, there are three degrees of freedom: The distance a of the viewer's eye above the plane of the virtual screen, the distance b of the viewer's eye behind the actual screen, and the distance c from the plane of the actual screen to the reference point of the virtual screen. Specifying these parameters determines the position of the reference point of the actual screen in the three-dimensional coordinate system.

[0033] This places E at $(0, -b, a)$, R at $(0, c, 0)$, and R' at $(0, 0, z)$, for some unknown z , in the three-dimensional coordinate system. For brevity, henceforth we consider any set of three coordinates to be in the three-dimensional coordinate system, and any set of two coordinates to be in the coordinate system of the appropriate screen. Next we find the location of the reference point in the actual screen.

[0034] A basic observation in working out this and almost everything else about the perspective projection is that, for collinear points, the differences between the coordinates of pairs of the points are proportional. That is, if $P_0 = (x_0, y_0, z_0)$, $P_1 = (x_1, y_1, z_1)$, and $P_2 = (x_2, y_2, z_2)$ are collinear, we know that

$$\frac{x_2 - x_0}{x_1 - x_0} = \frac{y_2 - y_0}{y_1 - y_0} = \frac{z_2 - z_0}{z_1 - z_0} \quad (1)$$

[0035] Since $E = (0, -b, a)$, $R = (0, c, 0)$, and $R' = (0, 0, z)$ are collinear, we can use the y and z terms of this identity to see that

$$[0036] \quad \frac{0 - (-b)}{c - (-b)} = \frac{z - a}{0 - a}$$

[0037] Solving for z :

$$[0038] \quad \frac{z - a}{-a} = \frac{b}{b + c}$$

[0039] So that

$$[0040] \quad z - a = \frac{-ab}{b + c}$$

[0041] Or

$$[0042] \quad z = a - \frac{ab}{b + c}$$

$$[0043] \quad = \frac{ab + ac - ab}{b + c}$$

$$[0044] \quad = \frac{ac}{b + c}$$

[0045] Now that we have located the reference point, the problem becomes one of mapping between an arbitrary point $P = (x, y)$ in the virtual screen and its corresponding point $P' = (x', y')$ in the actual screen. Because the reference points are offset with respect to the origin of the three-dimensional coordinate system, P is located at $(x, y + c, 0)$ and P' is located at $(x', 0, y + \frac{ac}{b+c})$. See Fig. 5.

The Fundamental Equation of the Projection

[0046] Because $E, P,$ and P' are collinear, we can use identity 1 above to determine that

$$[0047] \quad \frac{x'-0}{x-0} = \frac{0-(-b)}{y+c-(-b)} = \frac{y'+\frac{ac}{b+c}-a}{0-a} \quad (2)$$

[0048] Simplifying the rightmost term:

$$[0049] \quad \frac{y'+\frac{ac}{b+c}-a}{0-a} = \frac{y'+\frac{ac-ab-ac}{b+c}}{-a} = \frac{y'-\frac{ab}{b+c}}{-a} = \frac{b}{b+c} - \frac{y'}{a}$$

[0050] So equation 2 simplifies to

$$[0051] \quad \frac{x'}{x} = \frac{b}{y+b+c} = \frac{b}{b+c} = \frac{y'}{a} \quad (3)$$

[0052] This is the equation that we use to derive everything else about the projection.

Projecting from the virtual screen to the actual screen

[0053] To find the point $P' = (x', y')$ in the actual screen that corresponds to a point $P = (x, y)$ in the virtual screen, we have to determine x' and y' in terms of x and y .

[0054] From equation 3, we know that

$$[0055] \quad \frac{x'}{x} = \frac{b}{y+b+c}$$

[0056] Solving for x' , we find that

$$[0057] \quad x' = \frac{bx}{y+b+c} \quad (4)$$

[0058] Similarly, from equation 3, we know that

$$[0059] \quad \frac{b}{b+c} - \frac{y'}{a} = \frac{b}{y+b+c}$$

[0060] Solving for y :

$$[0061] \quad \frac{y'}{a} = \frac{b}{b+c} - \frac{b}{y+b+c}$$

$$[0062] \quad = \frac{b(y+b+c) - b(b+c)}{(b+c)(y+b+c)}$$

$$[0063] \quad = \frac{by + b^2 + bc - b^2 - bc}{(b+c)(y+b+c)}$$

$$[0064] \quad = \frac{by}{(b+c)(y+b+c)}$$

[0065] Or

$$[0066] \quad y' = \frac{aby}{(b+c)(y+b+c)} \quad (5)$$

Projecting from the actual screen to the virtual screen

[0067] Conversely, to find the point $P = (x, y)$ in the virtual screen that corresponds to a point $P' = (x', y')$ in the actual screen, we have to determine x and y in terms of x' and y' .

[0068] From equation 3, we know that

$$[0069] \quad \frac{x'}{x} = \frac{b}{b+c} - \frac{y'}{a}$$

[0070] Solving for x , we find that

$$[0071] \quad x = \frac{x'}{\frac{b}{b+c} - \frac{y'}{a}} = \frac{a(b+c)}{ab - (b+c)y'} x' \quad (6)$$

[0072] There are other ways to express the right-hand side of equation 6, but it's not clear that any of them are simpler.

[0073] To find y in terms of y' , we observe from equation 3 that

$$[0074] \quad \frac{b}{y+b+c} = \frac{b}{b+c} - \frac{y'}{a} \quad (7)$$

[0075] Solving for y :

$$[0076] \quad \frac{y+b+c}{b} = \frac{1}{\frac{b}{b+c} - \frac{y'}{a}}$$

[0077] Or

$$[0078] \quad y = \frac{b}{\frac{b}{b+c} - \frac{y'}{a}} - (b+c)$$

$$\begin{aligned}
 [0079] \quad &= \frac{b(b+c)a}{ab - (b+c)y'} - (b+c) \\
 [0080] \quad &= \frac{ab(b+c) - ab(b+c) + (b+c)^2 y'}{ab - (b+c)y'} \\
 [0081] \quad &= \frac{(b+c)^2 y'}{ab - (b+c)y'} \\
 [0082] \quad &= \frac{(b+c)y'}{\frac{ab}{b+c} - y'} \quad (8)
 \end{aligned}$$

Expressing the parameterization in useful terms

[0083] Now that the conversions above are known, we can set a , b , and c in order make the projection on the actual screen look as desired. The person requesting the map does not care about a , b , and c —she cares about things like the scale, the amount of foreshortening, and the location of the horizon. So, we proceed to specify a , b , and c in terms of those quantities.

Scale

[0084] The scale for the projected map can be specified by specifying the horizontal scale at the reference point R' . In order to know the scale at which to draw the map on the virtual screen, we have to know the relationship between the scale on the actual screen and the scale on the virtual screen at R' . In other words, we need to know the relative scale $r_0 = \partial x' / \partial x$ at R' .

[0085] This value can be derived. From equation 3, we know that

$$[0086] \quad \frac{x'}{x} = \frac{b}{y+b+c}$$

[0087] That is,

$$[0088] \quad x' = \frac{bx}{y+b+c}$$

[0089] Differentiate with respect to x :

$$[0090] \quad \frac{\partial x'}{\partial x} = \frac{b}{y+b+c} \quad (9)$$

[0091] But at R' , $y = 0$, so

$$[0092] \quad \frac{\partial x'}{\partial x} = \frac{b}{y+b+c} \quad (10)$$

[0093] Once we have this relative scale r_0 , we determine the scale at which to draw the map on the virtual screen by taking the horizontal scale desired at the reference point and dividing it by r_0 . For example, to obtain a horizontal scale of 100 pixels/km at the reference point, we render the map on the virtual screen at a scale of $100/r_0$ pixels/km.

Foreshortening

[0094] Specifying the scale is not enough to specify the appearance of the map. Even once the horizontal scale is fixed at the reference point, we can make the map look more or less foreshortened by moving the viewer's eye more or less far behind the screen, i.e. by making b larger or smaller.

[0095] Of course, specifying the location of the viewer's eye is not at all intuitive to someone requesting a map. What is likely to be much more intuitive is specifying a "foreshortening ratio". We define the "foreshortening ratio" at a point—for example, at the reference point—to be the ratio of the vertical scale to the horizontal scale at that point. For example, a small circle on the virtual screen centered at the reference point will be projected to an ellipse on the actual screen (almost) centered at the reference point, with its axes parallel to the x' and y' axes. The foreshortening ratio is the ratio of the length of the vertical axis of the ellipse to the length of its horizontal axis. Mathematically, the foreshortening ratio at any point is $f = \frac{\partial y' / \partial y}{\partial x' / \partial x}$.

Let the foreshortening ratio at the reference point be called f_0 .

[0096] To apply a specified foreshortening ratio, we need to be able to find $\partial y' / \partial y$ at a specified point. From equation 3, we know that

$$[0097] \quad \frac{b}{b+c} - \frac{y'}{a} = \frac{b}{y+b+c}$$

[0098] Differentiating both sides with respect to y , we find that

$$[0099] \quad -\frac{1}{a} \frac{\partial y'}{\partial y} = -\frac{b}{(y+b+c)^2}$$

[00100] That is,

$$[00101] \quad \frac{\partial y'}{\partial y} = -\frac{ab}{(y+b+c)^2} \quad (11)$$

[00102] But at the reference point, $y = 0$, so that at the reference point

$$[00103] \quad \frac{\partial y'}{\partial y} = -\frac{b}{(b+c)^2}$$

[00104] Combining this with equation 10, we find that

$$[00105] \quad f_0 = \frac{\partial y' / \partial y}{\partial x' / \partial x} = \frac{ab(b+c)^2}{b/(b+c)} = \frac{a}{b+c}$$

Angle of Depression

[00106] Some implementers may want to think in terms of an “angle of depression” α , the angle between the line from the viewer’s eye E to the horizon and the line from E to the reference point R in the virtual screen, as illustrated in Fig. 6.

[00107] Because this is also the angle between the line from E to R and the negative direction of y axis, it’s easy to see that $\tan \alpha = a/(b+c) = f_0$, the foreshortening ratio. So $\alpha = \arctan f_0$. Because the implementer can easily use these conversions, henceforth we will discuss only the foreshortening ratio.

Location of the Horizon

[00108] Given a , b , and c , the location of the horizon on the actual screen can be determined. The horizon is at the level of the viewer’s eye. Its height above the reference point is therefore

$$[00109] \quad h = a - \frac{ac}{b+c} = \frac{ab+ac-ac}{b+c} = \frac{ab}{b+c}$$

Doing Away with Relative Scale

[00110] So far we have determined the relative scale r_0 , foreshortening ratio f_0 , and height h of the horizon in terms of a , b , and c :

$$[00111] \quad r_0 = \frac{b}{b+c}$$

$$[00112] \quad f_0 = \frac{a}{b+c} \quad (12)$$

$$[00113] \quad h = \frac{ab}{b+c}$$

[00114] But one of these things is not like the others. The person requesting the map really cares about the actual scale (pixels per unit distance), not the relative scale (pixels on the actual screen per pixel on the virtual screen). After all, we can always rescale the map drawn on the virtual screen appropriately. So far, therefore, we have two values f_0 and h to set in order to specify a , b , and c .

[00115] This means that either (1) there is another degree of freedom in the appearance of the map that the user can specify, or else (2) there is redundancy in the values of a , b , and c , and we can specify one of them at our whim and still produce a map with the same appearance. In the latter case, then we can specify a

value of, for example, c and a different scale in the virtual screen, and obtain exactly the same projection on the actual screen.

[00116] To illustrate, fix values for a , b , and c , then specify \hat{a} , \hat{b} , and \hat{c} in such a way that the relative scale $\hat{r}_0 = 1$ but such that the foreshortening ratio and the height of the horizon remain unchanged. We then rescale x and y appropriately, and see whether the projection comes out the same. If it does, that will indicate that we can set relative scale any way we like.

[00117] If $\hat{r}_0 = \frac{\hat{b}}{\hat{b} + \hat{c}} = 1$, that forces $\hat{c} = 0$. To keep the height of the horizon the same, we have to set $\hat{h} = h$, i.e.,

$$[00118] \quad \frac{ab}{b+c} = \frac{\hat{a}\hat{b}}{\hat{b} + \hat{c}} = \frac{\hat{a}\hat{b}}{\hat{b}} = \hat{a}$$

[00119] That determines the value of \hat{a} .

[00120] To keep the foreshortening ratio $\hat{f}_0 = f_0$, we must set

$$[00121] \quad \frac{a}{b+c} = \frac{\hat{a}}{\hat{b} + \hat{c}} = \frac{\hat{a}}{\hat{b}}$$

[00122] Solving for \hat{b} ,

$$[00123] \quad \hat{b} = \frac{(b+c)}{a} \hat{a} = \frac{b+c}{a} \frac{ab}{b+c} = b$$

[00124] To summarize: We define a new mapping with the parameters

$$[00125] \quad \hat{a} = \frac{ab}{b+c}$$

$$[00126] \quad \hat{b} = b$$

$$[00127] \quad \hat{c} = c$$

[00128] We rescale the coordinates in the virtual screen by the original relative scale:

$$[00129] \quad \hat{x} = \frac{b}{b+c} x$$

$$[00130] \quad \hat{y} = \frac{b}{b+c} y$$

[00131] Then we apply the mapping to get a new \hat{x}' and \hat{y}' . If they are the same as the original x' and y' , then the mappings really are the same.

[00132] From equation 5, we know that

$$[00133] \quad \hat{x}' = \frac{\hat{b}\hat{x}}{\hat{y} + \hat{b} + \hat{c}}$$

$$[00134] \quad = \frac{b \frac{b}{b+c} x}{\frac{b}{b+c} y + b + 0}$$

$$[00135] \quad = \frac{b^2 x}{by + b(b+c)}$$

$$[00136] \quad = \frac{bx}{y + b + c}$$

[00137] So the mapping of x to x' matches. Now check the mapping of y . From equation 5, we know that

$$[00138] \quad \hat{y}' = \frac{\hat{a}\hat{b}\hat{y}}{(\hat{b} + \hat{c})(\hat{y} + \hat{b} + \hat{c})}$$

$$[00139] \quad = \frac{\frac{ab}{b+c} - b \frac{b}{b+c} y}{(b+0) \left(\frac{b}{b+c} y + b + 0 \right)}$$

$$[00140] \quad = \frac{\frac{ab^3 y}{(b+c)^2}}{b^2 \left(\frac{y}{b+c} + 1 \right)}$$

$$[00141] \quad = \frac{\frac{aby}{(b+c)^2}}{\frac{y}{b+c} + 1}$$

$$[00142] \quad = \frac{\frac{aby}{(b+c)^2}}{\frac{y + b + c}{b+c}}$$

$$[00143] \quad = \frac{aby}{(b+c)(y + b + c)}$$

[00144] So the mapping of y to y' matches as well.

[00145] If we use this reparameterization, with $c = 0$, the picture actually ends up looking like that illustrated in Fig. 7 instead.

[00146] We have seen that the only degrees of freedom that we have in formulating the final mapping are the height of the horizon h and the foreshortening ratio f_0 , and that we can safely set $c = 0$. That turns the relations in equations 12 into

$$[00147] \quad r_0 = 1$$

$$[00148] \quad f_0 = a/b$$

$$[00149] \quad h = a$$

[00150] Or, stating a and b in terms of f_0 and h instead:

$$[00151] \quad a = h$$

$$[00152] \quad b = h/f_0 \quad (13)$$

$$[00153] \quad c = 0$$

[00154] We can now express x' and y' in terms of x , y , h , and f_0 . From equations 4 and 5:

$$[00155] \quad x' = \frac{bx}{y + b + c}$$

$$[00156] \quad = \frac{\frac{hx}{f_0}}{y + \frac{h}{f_0}}$$

$$[00157] \quad = \frac{hx}{f_0 y + h} \quad (14)$$

$$[00158] \quad y' = \frac{aby}{(b+c)(y+b+c)}$$

$$[00159] \quad = \frac{aby}{b(y+b)}$$

$$[00160] \quad = \frac{ay}{y+b}$$

$$[00161] \quad = \frac{hy}{y + \frac{h}{f_0}}$$

$$[00162] \quad = \frac{f_0 hy}{f_0 y + h} \quad (15)$$

[00163] We can determine the inverse relations by solving directly, or by plugging into equations 6 and 8, as shown here:

$$[00164] \quad x = \frac{x'}{\frac{b}{b+c} - \frac{y'}{a}}$$

$$[00165] \quad = \frac{x'}{\frac{b}{b} - \frac{y'}{h}}$$

$$[00166] \quad = \frac{x'}{1 - \frac{y'}{h}}$$

$$[00167] \quad = \frac{hx'}{h - y'} \quad (16)$$

$$[00168] \quad y = \frac{(b+c)y'}{\frac{ab}{b+c} - y'}$$

$$[00169] \quad = \frac{by'}{\frac{ab}{b} - y'}$$

$$[00170] \quad = \frac{by'}{a - y'}$$

$$[00171] \quad = \frac{\frac{h}{f_0} y'}{h - y'}$$

$$[00172] \quad = \frac{hy'}{f_0(h - y')} \quad (17)$$

Alternative reparameterizations

[00173] Although parameterizing the projection in terms of the height h of the horizon above the reference point is useful and intuitive if the horizon is on the screen, it is sometimes desirable to use a different parameter when the screen layout is designed in such a way that the horizon is off the screen. We describe two alternatives to h .

Rate of change of foreshortening

[00174] The location of the horizon determines how quickly the foreshortening ratio changes with respect to the screen coordinate y' . Even when the horizon is not visible, the rate of change q of the foreshortening ratio with respect to y' at the reference point is visible on the screen.

[00175] Determine the relationship between that rate of change q and f_0 and h .

From equation 15, we know that

$$[00176] \quad y' = \frac{f_0 h y}{f_0 y + h}$$

[00177] Partially differentiating with respect to y ,

$$[00178] \quad \frac{\partial y'}{\partial y} = \frac{(f_0 y + h)(f_0 h) - (f_0 h y)(f_0)}{(f_0 y + h)^2}$$

$$[00179] \quad = \frac{f_0 h^2}{(f_0 y + h)^2}$$

[00180] From equation 14, we know that

$$[00181] \quad x' = \frac{h x}{f_0 y + h}$$

[00182] Partially differentiating with respect to x ,

$$[00183] \quad \frac{\partial x'}{\partial x} = \frac{h}{f_0 y + h}$$

[00184] As a result, in terms of f_0 , h , and y , at any point the foreshortening ratio is

$$[00185] \quad \begin{aligned} f &= \frac{\partial y' / \partial y}{\partial x' / \partial x} \\ &= \frac{f_0 h^2 / (f_0 y + h)^2}{h / (f_0 y + h)} \\ &= \frac{f_0 h}{f_0 y + h} \end{aligned}$$

[00186] However, to determine $q = df / dy'$, we need to express f in terms of y' .

Using equation 17 to substitute for y ,

$$[00187] \quad f = \frac{f_0 h}{f_0 \left(\frac{h y'}{f_0 (h - y')} \right) + h}$$

$$[00188] \quad = \frac{f_0 h}{\frac{h y'}{h - y'} + h}$$

$$[00189] \quad = \frac{f_0 h (h - y')}{h y' + h (h - y')}$$

$$[00190] \quad = \frac{f_0 h (h - y')}{h^2}$$

$$[00191] \quad = \frac{f_0(h - y')}{h}$$

$$[00192] \quad = f_0 - \frac{f_0 y'}{h}$$

[00193] As a result, it's easy to differentiate f with respect to y' :

$$[00194] \quad q = \frac{df}{dy'} = -\frac{f_0}{h}$$

[00195] It is therefore possible to parameterize the projection in terms of f_0 and q instead of in terms of f_0 and h , by setting $h = -f_0/q$.

Vanishing Point Angle

[00196] Another parameter that is useful in specifying a perspective view when the horizon is off the screen is the "vanishing point angle". Imagine a straight line in the virtual screen (for example, a straight street) pointing directly from the reference point to the horizon. This line will have constant $x = 0$ in the virtual screen, and $x' = 0$ in the actual screen. Now consider another straight line, parallel to the first, which is projected onto the screen so that it hits the left edge of the screen at $y' = 0$, i.e., on a level with the reference point. This projected line will make an angle with the edge of the screen that becomes smaller and smaller as the horizon moves farther and farther up (i.e., as h becomes greater and greater). We can specify the projection using this "vanishing point angle" ϕ .

[00197] It is possible to determine the relation between ϕ and h . Let the width of the screen be w . Consider the triangle formed by the left edge of the screen, the horizon, and the projected line. The top edge of the triangle—the part of the horizon between the extension of the left edge of the screen and the extension of the projected line—has length $w/2$. The left edge of the triangle—the extension of the left edge of the screen from the level of the reference point to the horizon—has length h . The angle between the left edge and the hypotenuse is ϕ . As a result,

$$[00198] \quad \tan \phi = \frac{w/2}{h}$$

[00199] So that

$$[00200] \quad h = \frac{w}{2 \tan \phi}$$

Projecting From Three Dimensions

[00201] Sometimes we want to project from a three-dimensional space, rather than a plane, onto the screen. From the projection from the plane, the extension to three dimensions is straightforward.

[00202] As noted, we can, without loss of generality, set $c = 1$ and thereby set the relative scale $r_0 = 1$. That will make the algebra of the projection from three dimensions much simpler.

[00203] Refer now to Fig. 8. Suppose P is at (x, y, z) relative to the reference point $R = (0,0,0)$. This puts P at (x, y, z) in the three-dimensional coordinate space as well.

[00204] Setting $c = 0$ and using (x, y, z) instead of $(x, y + c, 0)$ as the coordinates of P , equation 2 turns into

$$[00205] \quad \frac{x'-0}{x-0} = \frac{0-(-b)}{y-(-b)} = \frac{y'-a}{z-a}$$

[00206] Simplifying, this becomes

$$[00207] \quad \frac{x'}{x} = \frac{b}{y+b} = \frac{y'-a}{z-a} \quad (18)$$

[00208] Solving for x' and y' , we find that

$$[00209] \quad x' = \frac{bx}{y+b} \quad (19)$$

[00210] —which is unchanged from before—and that

$$[00211] \quad y'-a = \frac{b(z-a)}{y+b}$$

[00212] so that

$$[00213] \quad y' = a + \frac{b(z-a)}{y+b}$$

$$[00214] \quad = \frac{a(y+b)}{y+b} + \frac{b(z-a)}{y+b}$$

$$[00215] \quad = \frac{ay+ab+bz-ab}{y+b}$$

$$[00216] \quad = \frac{ay+bz}{y+b} \quad (20)$$

[00217] If we want to express the projection equations in terms of h and f_0 instead of in terms of a and b , we can use equations 13, which turns equations 19 and 20 into

$$[00218] \quad x' = \frac{\frac{hx}{f_0}}{y + \frac{h}{f_0}}$$

$$[00219] \quad = \frac{hx}{fy + h}$$

[00220] and

$$[00221] \quad y' = \frac{\frac{hy + \frac{hz}{f_0}}{f_0}}{y + \frac{h}{f_0}}$$

$$[00222] \quad = \frac{fhy + hz}{fy + h}$$

[00223] Unfortunately, when it comes to performing the reverse projection from (x', y') in the actual screen to (x, y, z) relative to the virtual screen, there is insufficient information to determine $x, y,$ and z . Solving equation 19 for $x, y,$ and z amounts to solving two equations in three unknowns. We can do it if we know one of $x, y,$ and $z,$ but not otherwise.

Aesthetic Considerations

[00224] It is possible to define $a, b,$ and c (or alternatively $r_0, h,$ and f_0), so that the foreshortening ratio at the bottom of the screen becomes greater than 1, that is, so that a tiny circle on the virtual screen is elongated into an ellipse with the long axis *vertical*. Many viewers find this unattractive and puzzling. It is therefore advisable to set the projection parameters so that the foreshortening ratio remains less than 1 even at the bottom of the screen.

[00225] From equations 9 and 11, the partial derivatives $\frac{\partial x'}{\partial x}$ and $\frac{\partial y'}{\partial y}$ at a general point are

$$[00226] \quad \frac{\partial y'}{\partial y} = \frac{ab}{(y+b+c)^2}$$

$$[00227] \quad \frac{\partial x'}{\partial x} = \frac{b}{y+b+c}$$

[00228] This means that the foreshortening ratio f at a general point is

$$[00229] \quad f = \frac{\partial y' / \partial y}{\partial x' / \partial x}$$

$$[00230] \quad = \frac{(ab)/(y+b+c)^2}{(b)/(y+b+c)}$$

$$[00231] \quad = \frac{a}{y+b+c}$$

[00232] But we need this in terms of y' . Fortunately, we know from equation 7 that

$$[00233] \quad \frac{b}{y+b+c} = \frac{b}{b+c} - \frac{y'}{a}$$

[00234] So at a general point

$$[00235] \quad f = \frac{a}{y+b+c}$$

$$[00236] \quad = \frac{a}{b} \frac{b}{y+b+c}$$

$$[00237] \quad = \frac{a}{b} \left(\frac{b}{b+c} - \frac{y'}{b} \right)$$

$$[00238] \quad = \frac{a}{b+c} - \frac{y'}{b}$$

[00239] We would like to find the values of y' for which $f < 1$. Solving the inequality for y' yields

$$[00240] \quad y' > \frac{ab}{b+c} - b$$

[00241] We also need to express this condition in terms of h and f_0 for the projection parameterized by those values. Using equations 13, the inequality above becomes

$$[00242] \quad y' > \frac{h \frac{h}{f_0}}{\frac{h}{f_0} + 0} - \frac{h}{f_0}$$

$$[00243] \quad = h - \frac{h}{f_0}$$

[00244] For aesthetic purposes, a , b , and c , or alternatively h and f_0 , should be set so that the coordinate y' at the bottom of the actual screen satisfies the appropriate inequality above.

Summary for Rendering Perspective View

[00245] To summarize the discussion above, and with reference to Fig. 9, we again specify steps taken in an embodiment to render a perspective view of a two-dimensional map.

[00246] First, set 902 the mapping parameters. Specify the foreshortening ratio f_0 at the reference point and the height h of the horizon above the reference point on the screen.

[00247] Next, project 904 the map onto the virtual screen. Use the scale, in pixels/km or whatever units are desired, to be applied at the reference point on the screen. Orient the map with the positive y axis pointing in whatever compass direction to be at the top of the screen. Place the longitude and latitude meant to be at the reference point at the origin $(0, 0)$ of the virtual screen.

[00248] Next, project 906 the virtual screen onto the actual screen. For each point (x, y) on the virtual screen, find the corresponding point (x', y') on the actual screen using equations 14 and 15, repeated here:

[00249]
$$x' = \frac{hx}{f + h}$$

[00250]
$$y' = \frac{fhy}{f + h}$$

[00251] If necessary, project 908 the actual screen back to the virtual screen. It may be necessary to map coordinates (x', y') on the actual screen—for example, points selected with mouse clicks—back into coordinates (x, y) on the virtual screen using equations 16 and 17, repeated below:

[00252]
$$x = \frac{hx'}{h - y'}$$

[00253]
$$y = \frac{hy'}{f_0(h - y')}$$

[00254] In one embodiment, the navigation system 100 displays maps using only a fixed set of scales, and there is a fixed perspective view corresponding to each scale. That is, there is a table of the following form:

Scale at reference point (pixels/meter)	Foreshortening ratio at reference point (dimensionless)	Rate of change of foreshortening (inverse pixels)
---	---	---

4	0.5	-0.005
2	0.5	-0.005
1	0.5	-0.005
1/2	0.52	-0.0048
1/4	0.54	-0.0046
1/8	0.56	-0.0044
...
1/(8.39×10 ⁶)	0.96	-0.0004
1/(1.68×10 ⁷)	0.98	-0.0002
1/(3.36×10 ⁷)	1	0
1/(6.71×10 ⁷)	1	0
1/(1.34×10 ⁸)	1	0
...

[00255] Note that a foreshortening of 1 and a rate of change of foreshortening of 0 denotes a two-dimensional, i.e., straight-down view. The usual formulas for a perspective projection break down at these values, but the view is simply the standard straight-down view known to practitioners of the art.

[00256] There is no special preference for the values shown above. Rather, the above table is meant to exemplify the properties that the progression of values might have. For example, in one embodiment perspective engine 104 uses a scale such that at all scales less than that scale the perspective parameters are the same. Similarly, in one embodiment there is a scale such that at all scales greater than that scale the perspective parameters remain the same. In one embodiment, between those scales the foreshortening and the rate of change of foreshortening change in a regular manner. It is often aesthetically pleasing to have both parameters change linearly as a function of the logarithm of the scale.

[00257] In various embodiments, the navigation system 100 does not have a fixed set of scales at which it displays maps, but rather a continuum of scales. In some such embodiments, the parameters are specified as functions of the scale rather than as values in a table. For example, the parameters might be specified as follows:

If the scale s at the reference point is then the foreshortening ratio at the reference point is and the rate of change of foreshortening is ...
> 1 pixel/meter	0.5	$-0.005 \text{ pixel}^{-1}$
between 2^{-25} pixel/meter and 1 pixel/meter	$0.5 - 0.02 \log_2 s$	$-0.0005 - 0.0002 \log_2 s \text{ pixel}^{-1}$
$< 2^{-25}$ pixel/meter	1	0

[00258] In some embodiments, the progression of the projection values for the various map scales, whether a discrete set or a continuum, is fixed and not alterable as part of the user interface 102. In other embodiments, the user interface 102 allows the user to change the way in which the gradual change of projection values is accomplished.

[00259] While the present invention has been described above in particular detail with respect to a limited number of embodiments, other embodiments are possible as well. The particular naming of the components and their programming or structural aspect is not mandatory or significant, and the mechanisms that implement the invention or its features may have different names, formats, or protocols. Further, the system may be implemented via a combination of hardware and software, as described, or entirely in hardware elements. Also, the particular division of functionality between the various system components described herein is merely exemplary, and not mandatory; functions performed by a single system component may instead be performed by multiple components. For example, the particular functions of the perspective engine 104 may be provided in many or one module.

[00260] The operations described above, although described functionally or logically, may be implemented by computer programs stored on one or more computer readable media and executed by a processor. Computer readable storage media include, for example, any type of disk including floppy disks, optical disks, CD-ROMs, magnetic-optical disks, read-only memories (ROMs), random access memories (RAMs), EPROMs, EEPROMs, magnetic or optical cards, application specific integrated circuits (ASICs), or any type of media suitable for storing electronic instructions, and each coupled to a computer system bus. Furthermore, the computers referred to in the specification may include a single processor or may

be architectures employing multiple processor designs for increased computing capability.

[00261] Throughout the description, discussions using terms such as “processing” or “computing” or “calculating” or “determining” or “displaying” or the like, refer to the action and processes of a particular computer system, or similar electronic computing device, that manipulates and transforms data representing or modeling physical characteristics, and which is represented as physical (electronic) quantities within the computer system memories or registers or other such information storage, transmission or display devices.

[00262] The algorithms and displays presented above are not inherently related to any particular computer or other apparatus. Various general-purpose systems may also be modified by using the teachings herein, or it may prove convenient to construct more specialized apparatus to perform the described method steps. The required structure for a variety of these systems will appear from the description above. In addition, the present invention is not described with reference to any particular programming language, any suitable one of which may be selected by the implementer.

[00263] Finally, it should be noted that the language used in the specification has been principally selected for readability and instructional purposes, and may not have been selected to delineate or circumscribe the inventive subject matter. Accordingly, the disclosure of the present invention is intended to be illustrative, but not limiting, of the scope of the invention.

[00264] We claim:

CLAIMS

1. A method for displaying a digital map, the method comprising:
displaying a digital map on a display device according to a first view, the first view having a first scale and a first foreshortening ratio;
in response to a first request from a user, displaying the digital map on the display device according to a second view, the second view having a second scale larger than the first scale and a second foreshortening ratio less than the first foreshortening ratio; and
in response to a second request from the user, displaying the digital map on the display device according to a third view, the third view having a third scale larger than the second scale and a third foreshortening ratio less than the second foreshortening ratio.
2. The method of claim 1 wherein the third foreshortening ratio is 0.5.
3. The method of claim 1 further comprising:
in response to a third request from the user, displaying the digital map on the display device according to a fourth view, the fourth view having a fourth scale larger than the third scale, and having the third foreshortening ratio.
4. The method of claim 1 wherein the first foreshortening ratio is 1.
5. The method of claim 1 further comprising:
in response to a third request from the user, displaying the digital map on the display device according to a fourth view, the fourth view having a fourth scale smaller than the first scale, and having the first foreshortening ratio.
6. The method of claim 1 further comprising:
in response to a third request from the user, displaying the digital map on the display device according to a fourth view, the fourth view having a fourth scale larger than second scale and smaller than the third scale, and having a fourth foreshortening ratio less than the second foreshortening ratio and larger than the third foreshortening ratio.
7. A system for displaying a digital map, comprising:
a database storing at least one digital map;
a user interface, coupled to the database, adapted to display the digital map stored in the database at a plurality of scales and a plurality of foreshortening ratios; and
a perspective engine, coupled to the database and the user interface, adapted to select from at least three foreshortening ratios according to a desired

scale, and to render the map at the desired scale with the selected foreshortening ratio for display in the user interface.

8. A computer program product for displaying a digital map, the computer program product stored on a computer-readable medium and including instructions to cause a computer to carry out the steps of:

displaying a digital map on a display device according to a first view, the first view having a first scale and a first foreshortening ratio;
in response to a first request from a user, displaying the digital map on the display device according to a second view, the second view having a second scale smaller than the first scale and a second foreshortening ratio larger than the first foreshortening ratio; and
in response to a second request from the user, displaying the digital map on the display device according to a third view, the third view having a third scale smaller than the second scale and a third foreshortening ratio larger than the second foreshortening ratio.

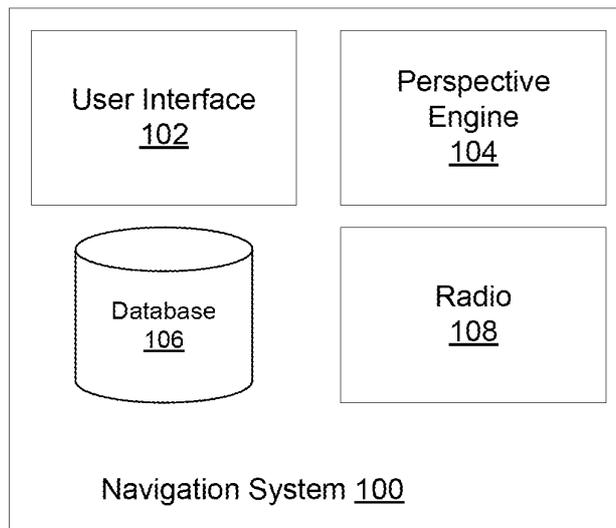


Fig. 1

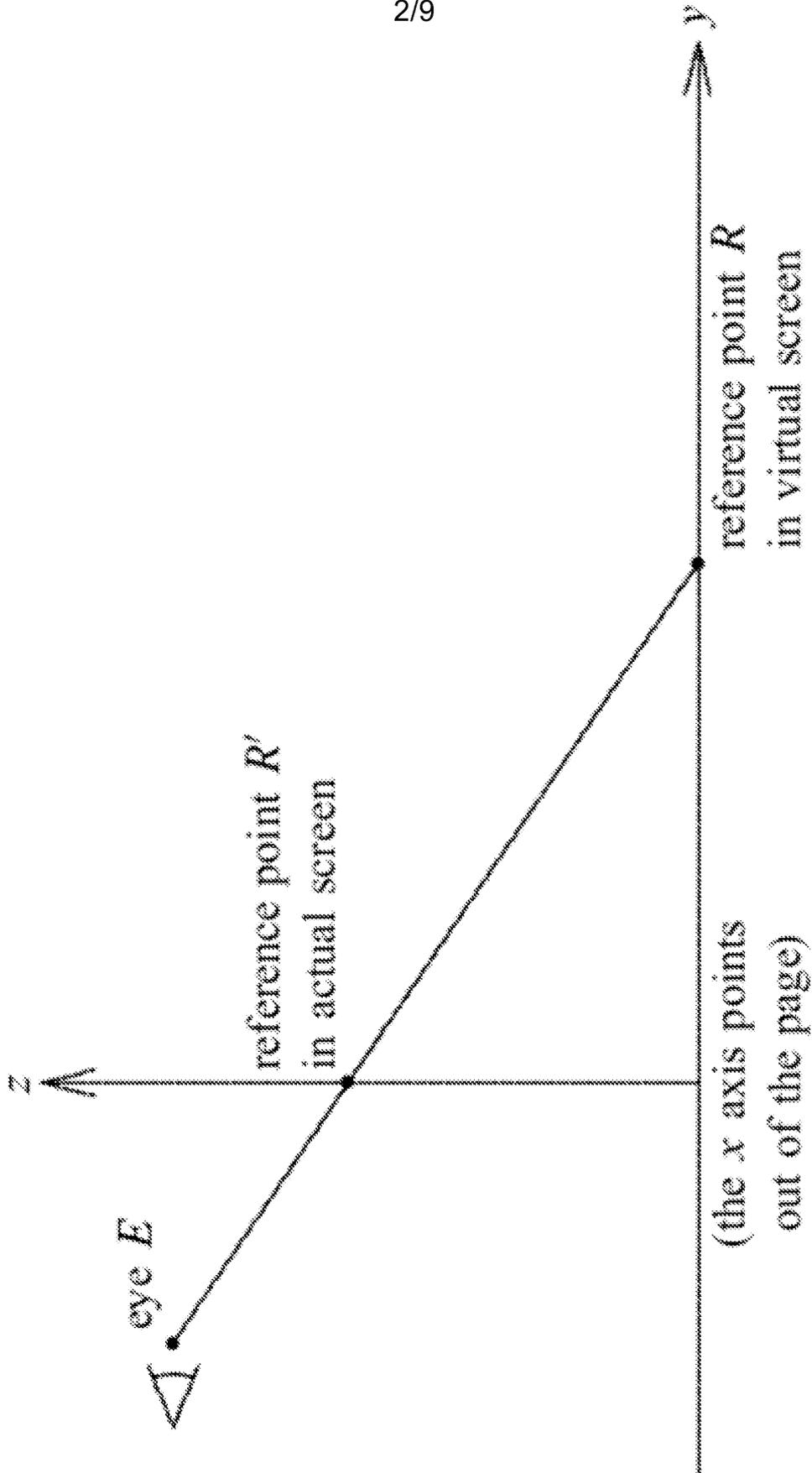


Fig. 2

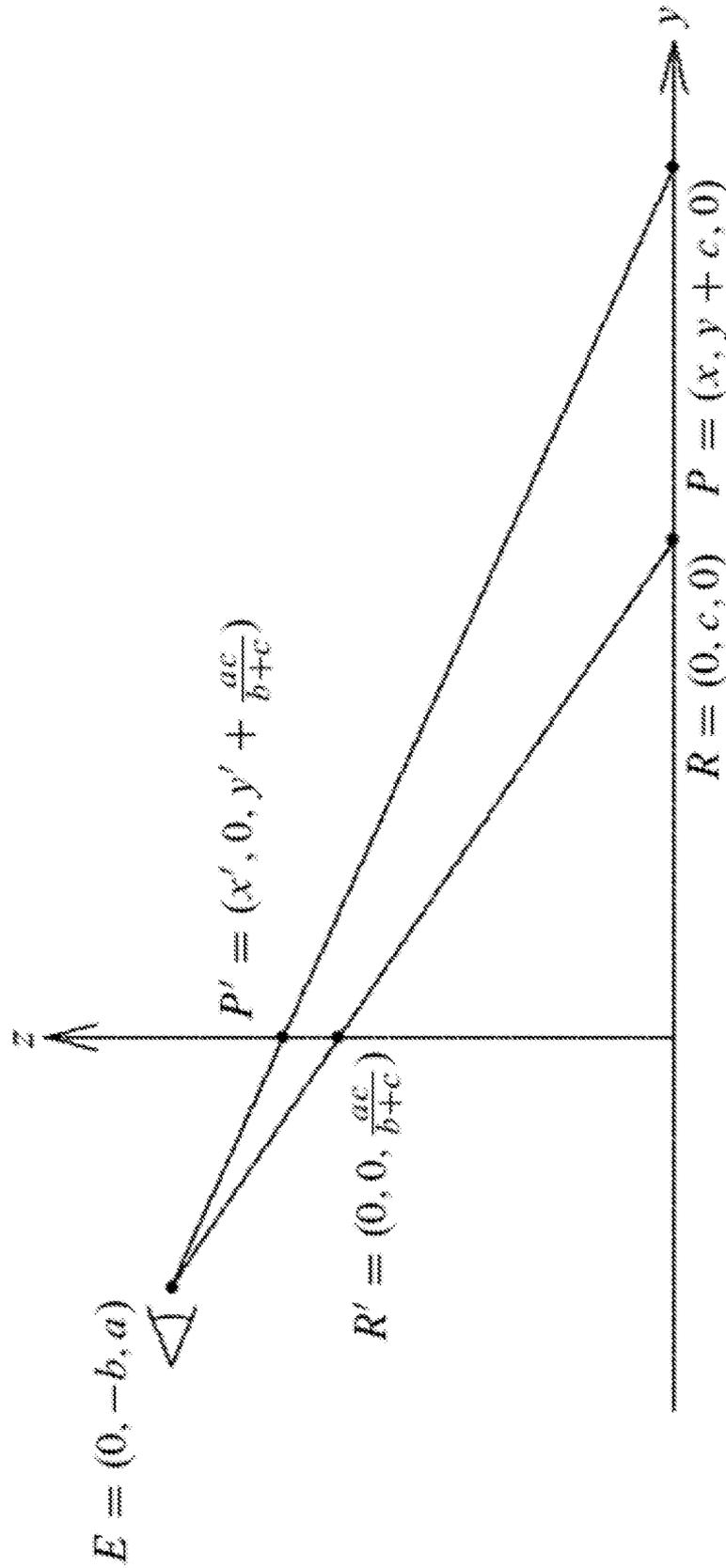


Fig. 5

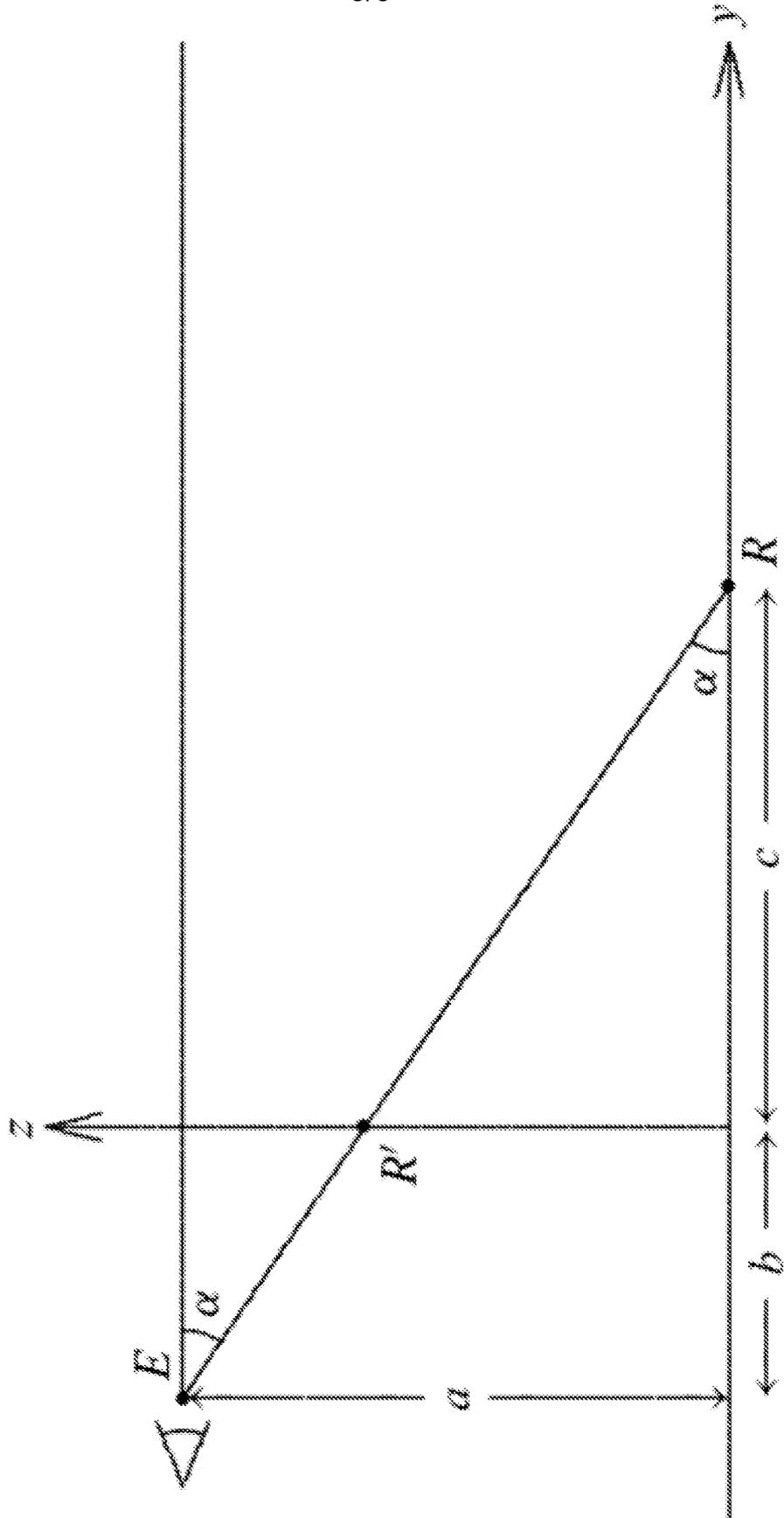


Fig. 6

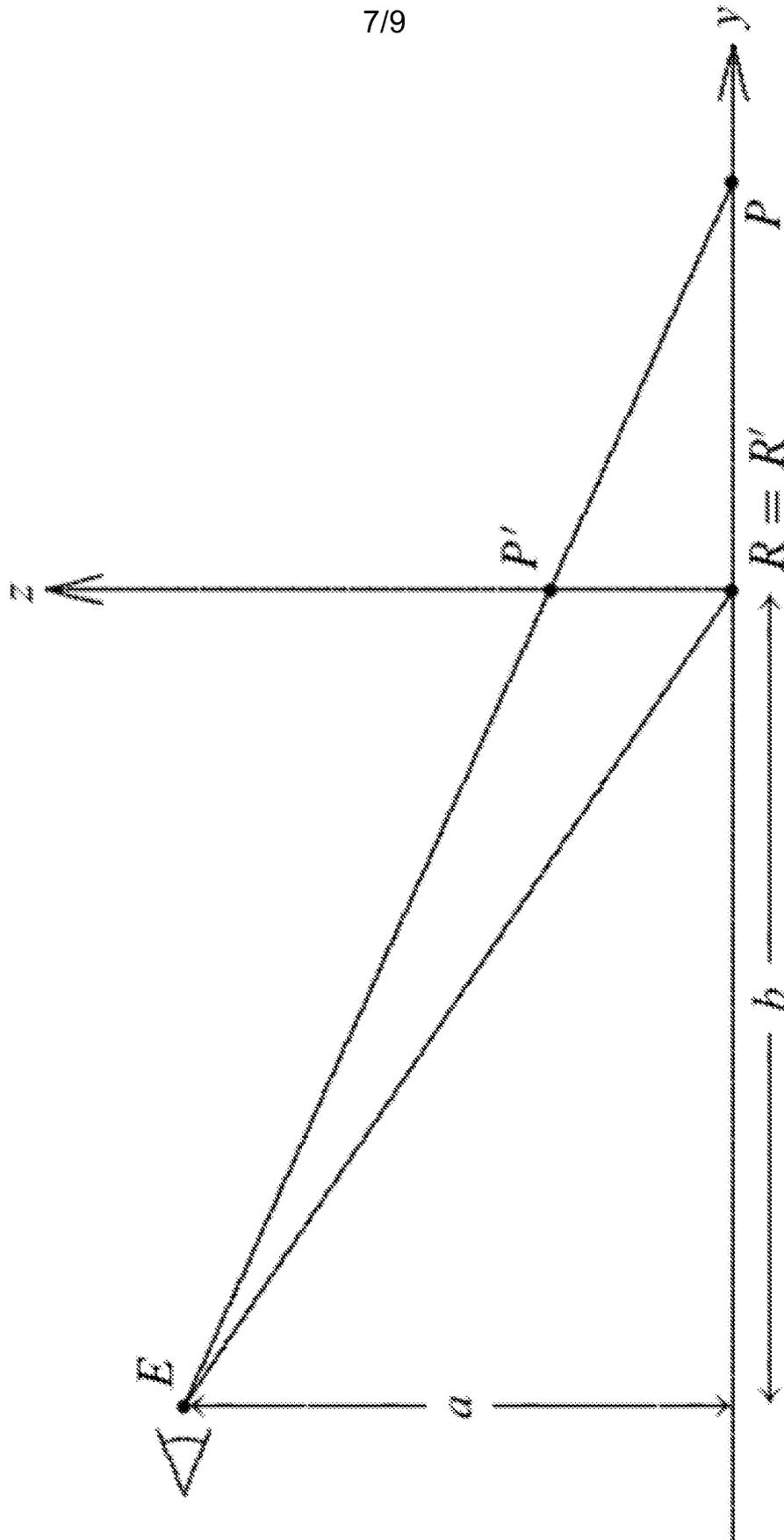


Fig. 7

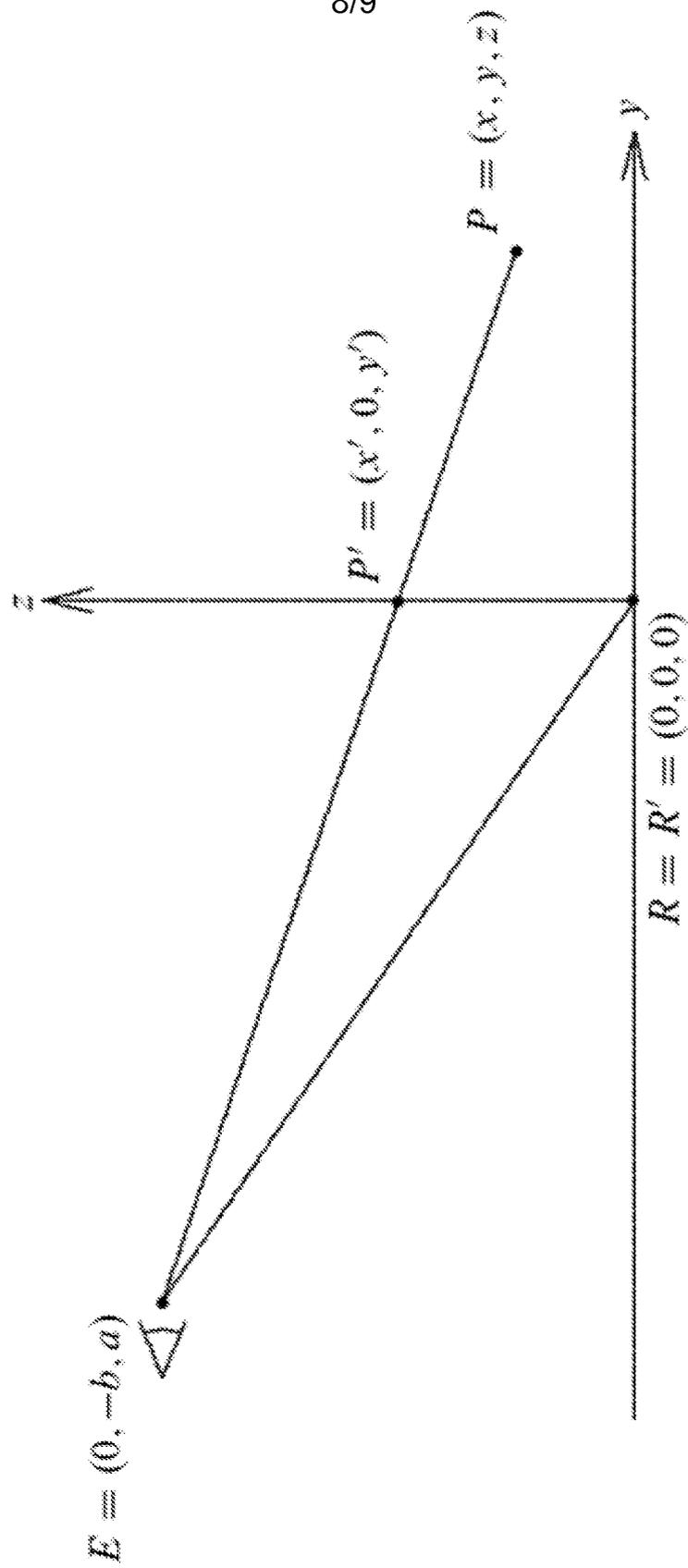


Fig. 8

9/9

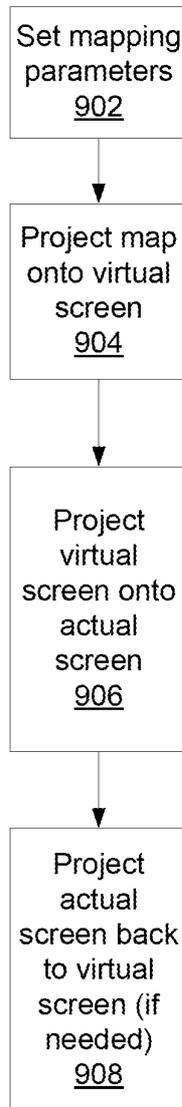


Fig. 9

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/039225**A. CLASSIFICATION OF SUBJECT MATTER***G06F 3/048(2006.01)i, G06F 3/14(2006.01)i, G01C 21/26(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)

IPC8 G01C, G06F, G09G

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 since 1975
Japanese Utility models and applications for Utility Models since 1975

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) "digital map, navigation, perspective, scale, ratio, and similar terms"

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2006-0287819 A1 (CHRISTIAN BRULLE-DREWS et al.) 21 Dec. 2006 See Summary of the invention, Figures 2,3, Claims 1,6	1 - 8
A	US 2001-0012017 A1 (RYUICHI WATANABE et al.) 09 Aug. 2001 See Summary of the invention, Figures 9-11, Paragraphs [0061]-[0065]	1 - 8
A	JP 2002-257562 A (KENWOOD CORP.) 11 Sep. 2002 See Summary of the invention, Figures 3,4, Paragraphs [0029]-[0032]	1 - 8
A	WO 2006-002669 A1 (DYNAMIC FACTORS Lim.) 12 Jan. 2006 See Summary of the invention, Figures 5,7,9,11, Claims 1,2	1 - 8

 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

31 AUGUST 2009 (31.08.2009)

Date of mailing of the international search report

01 SEPTEMBER 2009 (01.09.2009)

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

JEONG, Jae Woo

Telephone No. 82-42-481-5718



INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/039225

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2006-0287819 A1	21.12.2006	EP 1681538 A1	19.07.2006

US 2001-0012017 A1	09.08.2001	CN 1154917 C EP 0883054 A2 JP 3713696 B2 KR 10-1999-0006551 A US 06411274 B2	23.06.2004 09.12.1998 09.11.2005 25.01.1999 25.06.2002

JP 2002-257562 A	11.09.2002	None	

WO 2006-002669 A1	12.01.2006	None	



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.
12/384,337	04/01/2009	William C. Schwegler	20662-15387	6674
758	7590	03/29/2011	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			CHU, DAVID H	
			ART UNIT	PAPER NUMBER
			2628	
			NOTIFICATION DATE	DELIVERY MODE
			03/29/2011	ELECTRONIC

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

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

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

PTOC@Fenwick.com



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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of :
SCHWEGLER, WILLIAM C. et al : DECISION ON REQUEST TO
Application No. 12/384,337 : PARTICIPATE IN PATENT
Filed: April 01, 2009 : PROSECUTION HIGHWAY
Att. Docket No. 20662-15387 : PROGRAM AND PETITION
 : TO MAKE SPECIAL UNDER
 : 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed February 21, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and
- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless

copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot 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



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RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Application of :
Tiegs et al. : **DECISION ON PETITION**
Application No. 12/384,375 : **TO WITHDRAW**
Filed: April 3, 2009 : **FROM RECORD**
Attorney Docket No. 9823.20371-PROV FOR :

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 **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 Melissa S. Hockersmith 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

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United States Patent and Trademark Office
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Decision Date : August 4,2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Mark Tiegs

ATTORNEY/AGENT OF RECORD

Application No : 12384375

Filed : 03-Apr-2009

Attorney Docket No : 9823.20371-PROV FOR

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 4,2011

The request is **APPROVED**.

The request was signed by Melissa S. Hockersmith (registration no. 56960) on behalf of all attorneys/agents associated with Customer Number 26308 . All attorneys/agents associated with Customer Number 26308 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 Mr. Mark Tiegs
Name2
Address 1 2521 South 98 Street
Address 2
City West Allis
State WI
Postal Code 53227
Country US

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

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

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12384375	
Filing Date	03-Apr-2009	
First Named Inventor	Mark Tiegs	
Art Unit	3739	
Examiner Name	LEE COHEN	
Attorney Docket Number	9823.20371-PROV FOR	
Title	ECG monitoring electrode	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		26308
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Mr. Mark Tiegs	
Address	2521 South 98 Street	
City	West Allis	
State	WI	
Postal Code	53227	
Country	US	

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

Signature	/Melissa S. Hockersmith/
Name	Melissa S. Hockersmith
Registration Number	56960



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes sub-tables for EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, and DELIVERY MODE.

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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May 3, 2011

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

Re Application of
HOUCHEN, COURTNEY, ET. AL
Application: **12/384387**
Filed: **04/03/2009**
Attorney Docket No: **5864.074**

: **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) April 03, 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
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January 27, 2012

Zackson Law LLC
1015 Locust Street Suite 750
St. Louis MO 63101-1324

Re Application of
MILBRANDT, JEFFREY., ET AL.
Application: **12/384446**
Filed: **04/03/2009**
Attorney Docket No: **1001-0389**

: 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) April 03, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



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P.O. Box 1450
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GARY R. KLUCKHUHN
2180 SANDPIPER STREET
NAPLES, FL 34102

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of :
Gary R. Kluckhuhn :
Application No. 12/384,453 :
Filed: April 6, 2009 :
Attorney Docket No.: None :

ON PETITION

This is a decision in response to the petition, filed October 19, 2010, to withdraw the holding of abandonment under the provisions of 37 CFR 1.181(no fee).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

This application was held abandoned for failure to timely pay the issue and publication fees on or before September 16, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed June 16, 2010. A Notice of Abandonment was mailed on October 4, 2010.

In response, on October 19, 2010, the present petition was filed. Petitioner requests, in effect, that the Office withdraw the holding of abandonment due to nonreceipt of the Notice of June 16, 2010. Petitioner submits "copies of correspondence as received from the USPTO and saved in our files and records..." in support of the present petition.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice of June 16, 2010, and 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.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence,

petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of June 16, 2010, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after June 16, 2010, to demonstrate nonreceipt of the Notice of June 16, 2010. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Notice in question had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after June 16, 2010; the period when he would have received the non-final Office action.

In the present petition, petitioner did not submit any statements or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the Notice of June 16, 2010. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the Notice of Allowance and Fee(s) Due mailed June 16, 2010 accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), **\$810.00 for a small entity**;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors

Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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-Web¹

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


Sherry D. Brinkley
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; and a copy of the Notice of Allowance and Fee(s) Due dated June 16, 2010.

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK 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

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 06/16/2010
Gary R. Kluckhuhn
2180 Sandpiper Street
Naples, FL 34102

EXAMINER: SANTOS, ROBERT G
ART UNIT: 3673
PAPER NUMBER:
DATE MAILED: 06/16/2010

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/384,453, 04/06/2009, Gary R. Kluckhuhn, 1755

TITLE OF INVENTION: ROTARY GANTRY CRANE SYSTEM

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE
Values: nonprovisional, YES, \$755, \$300, \$0, \$1055, 09/16/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 06/16/2010

Gary R. Kluckhuhn
 2180 Sandpiper Street
 Naples, FL 34102

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/384,453	04/06/2009	Gary R. Kluckhuhn		1755

TITLE OF INVENTION: ROTARY GANTRY CRANE SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	09/16/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
SANTOS, ROBERT G	3673	005-08110R

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____</p> <p>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____</p> <p>3 _____</p>
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____ (B) RESIDENCE: (CITY and STATE OR COUNTRY) _____

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/384,453 04/06/2009 Gary R. Kluckhuhn 1755

7590 06/16/2010
Gary R. Kluckhuhn
2180 Sandpiper Street
Naples, FL 34102

EXAMINER
SANTOS, ROBERT G

ART UNIT PAPER NUMBER
3673

DATE MAILED: 06/16/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 10 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 10 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	12/384,453	KLUCKHUHN, GARY R.	
	Examiner	Art Unit	
	Robert G. Santos	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the papers filed on 06 April 2009 and on 01 June 2009.
2. The allowed claim(s) is/are 1-7.
3. 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 the:
 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)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Robert G. Santos/
 Primary Examiner, Art Unit 3673

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a patient transfer assembly in the form of a *rotary* gantry system comprising the particular structural configuration of and cooperation between the hollow and circular track tube; the means for mounting the circular track tube above a patient in a room; bars connecting the circular track tube with the mounting means; and the means for rotating a longitudinal support bar *relative to the circular track tube*, wherein the longitudinal bar has a trolley operating at an underside thereof, a vertical post is attached to the trolley, and the vertical post has means thereon and at a bottom thereof to transport a patient, as explicitly recited in Applicant's sole independent claim 1. With respect to the prior art, most overhead patient transfer systems (that are either attached to the ceiling of a room or include a plurality of support legs extending above a patient) typically comprise a trolley which travels solely in a linear motion between the ends of a straight horizontal track in order to transport a patient from one area of a room to another, as opposed to the use of a rotary system comprising a hollow and circular track tube, a longitudinal support bar rotationally mounted to the circular hollow tube, and a trolley which travels in both a rotary and linear motion such that it *can move on the longitudinal support bar to a position which is beyond the periphery of the circular hollow tube in a cantilever fashion*, as specifically recited in Applicant's claims. Hence, it is considered that the application is currently in full and proper condition for allowance.

Art Unit: 3673

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Monday through Friday, 11:00 a.m. to 7:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert G. Santos/
Primary Examiner, Art Unit 3673

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

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

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

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: _____

Application No.: _____

Art Unit: _____

Filed: _____

Examiner: _____

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ (identify type of reply):

has been filed previously on _____.

is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

has been paid previously on _____.

is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____	_____
Signature	Date
_____	_____
Type or Printed name	Registration Number, If applicable
_____	_____
Address	Telephone Number

Address	

- Enclosures:
- Fee Payment
 - Reply
 - Terminal Disclaimer Form
 - Additional sheets containing statements establishing unintentional delay
 - Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____	_____
Date	Signature

	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

GARY R. KLUCKHUHN
2180 SANDPIPER STREET
NAPLES, FL 34102

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of
Gary R. Kluckhuhn
Application No. 12/384,453
Filed: April 6, 2009
Attorney Docket No.: None

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:
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:
:
:

ON PETITION

This is a decision on the petition, filed January 24, 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 pay the issue fee on or before September 16, 2010. A Notice of Abandonment was mailed on October 4, 2010. On January 24, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$755 issue fee and the \$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



UNITED STATES PATENT AND TRADEMARK OFFICE

01 SEP 2010

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

THE LAW OFFICE OF GEOFFREY M. KARNY
2152 BONAVENTURE DR.
VIENNA VA 22181

In re Application of: :
MURRAY, Elizabeth, et al. : DECISION
Application No.: 12/384,554 :
Filing Date: April 06, 2009 :
Attorney Docket No.: VR-003/P001-US :
For: METHOD FOR A CONTINUOUS :
RAPID THERMAL CYCLE SYSTEM :

This decision is issued in response to the "Petition Under 37 C.F.R. § 1.78(a)(3) To Accept Unintentionally Delayed Benefit Claim" filed June 30, 2010. Applicants have submitted the required surcharge payment.

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

The present U.S. non-provisional application was filed after November 29, 2000, and applicants are seeking to add a claim of benefit under 35 U.S.C. 120 and 365(c) to a prior-filed international application designating the United States after the expiration of the time period for making such a claim set forth in 37 CFR 1.78(a)(2)(ii). A petition for acceptance of a delayed claim for priority under 37 CFR 1.78(a)(3) is appropriate under such circumstances.

A grantable petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference to the prior-filed application required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17; and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

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

Pursuant to 37 CFR 1.78(a)(2)(i), any non-provisional application claiming the benefit of a prior-filed international application must contain or be amended to contain a reference to the prior-filed international application identifying it by "international application number and international filing date and indicating the relationship of the applications."¹ With respect to "the

¹ Pursuant to 37 CFR 1.78(a)(2)(iii), the required reference must be contained in the first sentence of the specification following the title or an application data sheet (ADS) filed under 37 CFR 1.76.

relationship of the applications” required by 37 CFR 1.78(a)(2)(i), MPEP section 201.11(III)(A) states the following (emphasis added):

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

The amendment filed concurrently with the present petition includes a reference stating that the application “claims the benefit under 35 U.S.C. §§ 120 and 365(c) of International Patent Application No. PCT/US2007/021328, filed October 4, 2007, which claims priority to, and the benefit of, United States Provisional Patent Application No. 60/850,103 filed October 6, 2006.” As specifically set forth in the MPEP, such a reference is defective for failure to indicate the relationship between the present application and the prior-filed international application, that is, whether the present application is a “continuation, divisional, or continuation-in-part” of the international application.

The amendment is also defective because it indicates that the contents of the prior-filed applications referred to therein, including PCT/US2007/021328, are each “incorporated by reference herein in their entirety.” As set forth in MPEP section 201.06(c)(IV):

An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See *Dart Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

Here, the application as filed did not include an incorporation by reference statement with respect to PCT/US2007/021328; thus, the inclusion in the present amendment of an incorporation by reference statement directed to such application is improper.

Based on the above, the reference to prior-filed international application PCT/US2007/021328 contained in the amendment filed concurrently with the present petition is not acceptable as filed. Item (1) of a grantable petition under 37 CFR 1.78(a)(3) is therefore not satisfied on the present record.

Before the petition under 37 CFR 1.78(a)(3) may be granted, applicants must submit a renewed petition accompanied by an acceptable substitute amendment (or ADS) containing a proper benefit claim reference directed to the international application. 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.



Richard M. Ross
Attorney Advisor
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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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14 OCT 2010

PCT LEGAL ADMINISTRATION

THE LAW OFFICE OF GEOFFREY M. KARNY
2152 BONAVENTURE DR.
VIENNA VA 22181

In re Application of:	:	
MURRAY, Elizabeth, et al.	:	DECISION ON RENEWED
Application No.: 12/384,554	:	PETITION
Filing Date: April 06, 2009	:	
Attorney Docket No.: VR-003/P001-US	:	
For: METHOD FOR A CONTINUOUS	:	
RAPID THERMAL CYCLE SYSTEM	:	

This decision is issued in response to the renewed "Petition Under 37 C.F.R. § 1.78(a)(3) To Accept Unintentionally Delayed Benefit Claim" filed September 22, 2010. Applicants have previously submitted the required surcharge payment.

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

The decision mailed September 01, 2010 dismissed without prejudice applicants' original petition under 37 CFR 1.78(a)(3) because applicants had not submitted an acceptable reference to the prior-filed international application. The present renewed petition was accompanied by a revised amendment to the first sentence of the description that contains an acceptable reference identifying the present application as a continuation of international application PCT/US2007/021328, which in turn claims the benefit of U.S. provisional application 60/850,103. The revised amendment also removes the improper incorporation by reference statement contained in the previous amendment. Applicants have also submitted an application data sheet (ADS) containing an acceptable reference to the prior-filed applications.

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the Filing Receipt accompanying this decision on petition will include the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claims directed to international application PCT/US2007/021328 and U.S. provisional application 60/850,103 accompanies this decision on petition.

Any questions concerning this decision may be directed to the undersigned. All other inquiries concerning either the examination procedures or status of the application should be directed to Group Art Unit 1637.

/RichardMRoss/

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Facsimile: (571) 273-0459

ATTACHMENT: Corrected Filing Receipt



Gilberto Aguilera
4690 Calle De Vida
San Diego CA 92124

MAILED

DEC 08 2011

OFFICE OF PETITIONS

In re Application of :
Aguilera : DECISION ON PETITION
Application No. 12/384,562 :
Filed: April 7, 2009 :
For: DOUBLE OR NOTHING :

This decision is in response to communication filed by applicant on November 16, 2011. This matter is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The application became abandoned March 31, 2011 for failure to timely submit a proper reply in response to the final Office action mailed December 30, 2010. The final Office action set a three month shortened statutory period of time for reply. A reply was filed January 10, 2011. The reply, however, failed to place the application in condition for allowance, as indicated in the Advisory Action mailed October 19, 2011. An untimely reply was filed October 31, 2011. Notice of Abandonment was mailed November 8, 2011.

Petitioner states:

“Item 1. of your notice states that application is abandoned in view of applicant's failure to timely file a proper reply to to USPTO letter mailed December 30th, 2010.

Please note that my reply was mailed to you on January 6th, 2011, I will gladly send you copies of stamped seals of receipt with evidence that USPTO received my letter on January 10^m, 2011.

Item 7. of your notice indicates that applicant's reply of 10/31/2011 also does not correct all the requirements in the advisory action that was mailed 10/19/2011.

Mr. Layno: I believe in your fairness, and it is only fair that I should be advised of the requirements that are not corrected as per your statement.

I have not been advised, please tell me what requirements I have not corrected before taking your abandonment decision.”

Petitioner's arguments have been carefully reviewed, but have not been found convincing. The application became abandoned as a result of applicant's failure to timely submit a proper reply to the final Office action mailed December 30, 2010. A proper reply to a final Office action must consist of one of the following: an amendment which prima facie places the application in

condition for allowance; a Notice of Appeal (and fee); a Request for Continued Examination (including fee and submission); or a continuation application (and fee).

Failure by applicant of a patent application to reply within the time period provided under § 1.134 and § 1.136 results in abandonment of the application as a matter of law. See, 37 CFR 1.135(a). Absent a showing that a proper reply to the final Office action mailed December 30, 2010 was timely filed within the time period for reply set forth therein, the holding of abandonment **will not** be withdrawn.

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of the holding of abandonment must establish that a proper reply to the final Office action was timely submitted.

Petitioner seemingly is unclear as to the defects in the replies previously filed. In this regard, applicant is directed to the Advisory Action mailed October 19, 2011 and the Notice of Abandonment mailed November 8, 2011.

An examination of this petition reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster". Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not

appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By facsimile: (571) 273-8300

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

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

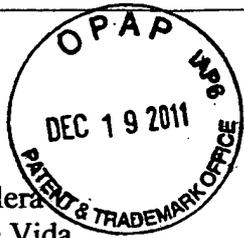
/ALESIA M. BROWN/

Alesia-M. Brown
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Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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



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R=12-10-2011

MAILED

DEC 08 2011

OFFICE OF PETITIONS

In re Application of :
Aguilera : DECISION ON PETITION
Application No. 12/384,562 :
Filed: April 7, 2009 :
For: DOUBLE OR NOTHING :

This decision is in response to communication filed by applicant on November 16, 2011. This matter is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The application became abandoned March 31, 2011 for failure to timely submit a proper reply in response to the final Office action mailed December 30, 2010. The final Office action set a three month shortened statutory period of time for reply. A reply was filed January 10, 2011. The reply, however, failed to place the application in condition for allowance, as indicated in the Advisory Action mailed October 19, 2011. An untimely reply was filed October 31, 2011. Notice of Abandonment was mailed November 8, 2011.

Petitioner states:

“Item 1. of your notice states that application is abandoned in view of applicant's failure to timely file a proper reply to to USPTO letter mailed December 30th 2010.

Please note that my reply was mailed to you on January 6th, 2011, I will gladly send you copies of stamped seals of receipt with evidence that USPTO received my letter on January 10th 2011.

Item 7. of your notice indicates that applicant's reply of 10/31/2011 also does not correct all the requirements in the advisory action that was mailed 10/19/2011.

Mr. Layno: I believe in your fairness, and it is only fair that I should be advised of the requirements that are not corrected as per your statement.

I have not been advised, please tell me what requirements I have not corrected before taking your abandonment decision.”

Petitioner’s arguments have been carefully reviewed, but have not been found convincing. The application became abandoned as a result of applicant’s failure to timely submit a proper reply to the final Office action mailed December 30, 2010. A proper reply to a final Office action must consist of one of the following: an amendment which prima facie places the application in

condition for allowance; a Notice of Appeal (and fee); a Request for Continued Examination (including fee and submission); or a continuation application (and fee).

Failure by applicant of a patent application to reply within the time period provided under § 1.134 and § 1.136 results in abandonment of the application as a matter of law. See, 37 CFR 1.135(a). Absent a showing that a proper reply to the final Office action mailed December 30, 2010 was timely filed within the time period for reply set forth therein, the holding of abandonment **will not** be withdrawn.

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

Any request for reconsideration of the holding of abandonment must establish that a proper reply to the final Office action was timely submitted.

Petitioner seemingly is unclear as to the defects in the replies previously filed. In this regard, applicant is directed to the Advisory Action mailed October 19, 2011 and the Notice of Abandonment mailed November 8, 2011.

An examination of this petition reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster". Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not

appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

By facsimile: (571) 273-8300

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

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

/ALESIA M. BROWN/

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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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JAN 30 2012

OFFICE OF PETITIONS

Gilberto Aguilera
4690 Calle De Vida
San Diego CA 92124

In re Application of :
Aguilera : DECISION ON PETITION
Application No. 12/384,562 :
Filed: April 7, 2009 :
For: DOUBLE OR NOTHING :

This decision is in response to the request for reconsideration of petition decision under 37 CFR 1.181 filed December 19, 2011.

The application became abandoned March 31, 2011 for failure to timely submit a proper reply in response to the final Office action mailed December 30, 2010. The final Office action set a three month shortened statutory period of time for reply. A reply was filed January 10, 2011. The reply, however, failed to place the application in condition for allowance, as indicated in the Advisory Action mailed October 19, 2011. An untimely reply was filed October 31, 2011. Notice of Abandonment was mailed November 8, 2011.

Petitioner states:

“Your Decision of Petition letter indicates that the application became abandoned 03/31/2011 for failure to timely submit a proper reply in response to the final office action mailed 12/30/2010.

How can that be since my reply was timely submitted to your office on 01/06/2011.

Also I have not been advised of the requirements that are not corrected as per your statement.

Your advice that I secure the services of a registered patent attorney is totally out of reach for me because their fees exceed five thousand dollars to pursue their prosecution without any guaranty of positive results. ”

With respect to the reply to the final Office action received on January 10, 2011, petitioner has been previously advised that said reply failed to place the application in condition for allowance. Therefore, applicant did not timely submit a proper reply to the final Office action mailed December 30, 2010.

As previously indicated, the instant application became abandoned as a result of applicant's failure to timely submit a proper reply to the final Office action mailed December 30, 2010. Applicant did not timely submit a proper reply to a final Office action in the form of either an

amendment which prima facie places the application in condition for allowance; a Notice of Appeal (and fee); a Request for Continued Examination (including fee and submission); or a continuation application (and fee).

Failure by applicant of a patent application to reply within the time period provided under § 1.134 and § 1.136 results in abandonment of the application as a matter of law. See, 37 CFR 1.135(a). Absent a showing that a proper reply to the final Office action mailed December 30, 2010 was timely filed within the time period for reply set forth therein, the holding of abandonment **will not** be withdrawn.

Accordingly, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **DISMISSED**.

With respect to petitioner's contention that he has not been advised as to the "requirements that are not correct," petitioner is directed to the final Office action mailed December 30, 2010 and the Advisory Action mailed October 19, 2011.

Any request for reconsideration of the holding of abandonment must establish that a proper reply to the final Office action was timely submitted.

ALTERNATE VENUE

As previously indicated, petitioner may wish to consider filing a petition stating that the delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300
By hand delivery:	U.S. Patent and Trademark Office

Customer Window, Mail Stop Petition
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Alexandria, VA 22314

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



Gilberto Aguilera
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San Diego CA 92124

MAILED

MAR 19 2012

OFFICE OF PETITIONS

In re Application of :
Aguilera : DECISION ON PETITION
Application No. 12/384,562 :
Filed: April 7, 2009 :
For: DOUBLE OR NOTHING :

This decision is in response to the renewed petition under 37 CFR 1.181 filed February 6, 2012.

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

RELEVANT BACKGROUND

The application became abandoned March 31, 2011 for failure to timely submit a proper reply in response to the final Office action mailed December 30, 2010. The final Office action set a three month shortened statutory period of time for reply. A reply was filed January 10, 2011. The reply, however, failed to place the application in condition for allowance, as indicated in the Advisory Action mailed October 19, 2011. An untimely reply was filed October 31, 2011. Notice of Abandonment was mailed November 8, 2011. A petition under 37 CFR 1.181 was filed November 16, 2011 and dismissed December 8, 2011. A renewed petition was filed December 19, 2011 and dismissed January 30, 2012.

Petitioner herein requests withdrawal of the holding of abandonment of the above-identified application and seeks "a break with a reasonable review of my application." Petitioner further argues that "[t]he concept of 'abandonment' is an interpretation of your Examiner." Petitioner further states that he has not "been informed what makes my application non-compliant." Petitioner further asserts that he seeks the Office's "help" and "good advice." Petitioner further asserts that he cannot afford a patent attorney.

RELEVANT STATUTE AND REGULATION

35 USC 133 states:

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 Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

37 CFR 1.134 states:

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 states:

- (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.

37 CFR 1.136 states:

- (a)(1) If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or five months after the time period set for reply, if a petition for an extension of time and the fee set in § 1.17(a) are filed, unless:
 - (i) Applicant is notified otherwise in an Office action;
 - (ii) The reply is a reply brief submitted pursuant to § 41.41 of this title;
 - (iii) The reply is a request for an oral hearing submitted pursuant to § 41.47(a) of this title;
 - (iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.304 or to § 41.50 or § 41.52 of this title; or
 - (v) The application is involved in a contested case (§ 41.101(a) of this title).
- (2) The date on which the petition and the fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The expiration of the time period is determined by the amount of the fee paid. A reply must be filed prior to the expiration of the period of extension to avoid abandonment of the application (§ 1.135), but in no situation may an applicant reply later than the maximum time period set by statute, or be granted an extension of time under paragraph (b) of this section when the provisions of this paragraph are available. See § 1.304 for extensions of time to appeal to the U.S. Court of Appeals for the Federal Circuit or to commence a civil action; § 1.550(c) for extensions of time in ex parte reexamination proceedings, § 1.956 for extensions of time in inter partes reexamination proceedings; and §§ 41.4(a) and

41.121(a)(3) of this title for extensions of time in contested cases before the Board of Patent Appeals and Interferences.

(3) A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission.

(b) When a reply cannot be filed within the time period set for such reply and the provisions of paragraph (a) of this section are not available, the period for reply will be extended only for sufficient cause and for a reasonable time specified. Any request for an extension of time under this paragraph must be filed on or before the day on which such reply is due, but the mere filing of such a request will not affect any extension under this paragraph. In no situation can any extension carry the date on which reply is due beyond the maximum time period set by statute. See § 1.304 for extensions of time to appeal to the U.S. Court of Appeals for the Federal Circuit or to commence a civil action; § 1.550(c) for extensions of time in ex parte reexamination proceedings; § 1.956 for extensions of time in inter partes reexamination proceedings; and §§ 41.4(a) and 41.121(a)(3) of this title for extensions of time in contested cases before the Board of Patent Appeals and Interferences. Any request under this section must be accompanied by the petition fee set forth in § 1.17(g).

(c) If an applicant is notified in a "Notice of Allowability" that an application is otherwise in condition for allowance, the following time periods are not extendable if set in the "Notice of Allowability" or in an Office action having a mail date on or after the mail date of the "Notice of Allowability":

- (1) The period for submitting an oath or declaration in compliance with § 1.63;
- (2) The period for submitting formal drawings set under § 1.85(c); and
- (3) The period for making a deposit set under § 1.809(c).

The record fails to establish that a proper reply to the final Office action mailed December 30, 2010 was timely received on or before the maximum extendible period of time for reply. A proper reply was required to consist of an amendment *prima facie* placing the application in condition for allowance, a request for continued examination (including fee and submission), a notice of appeal (including fee), or a continuation application (including fee), and, if applicable, a petition for extension of time (including fee).

Contrary to petitioner's arguments, abandonment is not a "concept" subject to the interpretation of the examiner. Abandonment occurs as a matter of law, not at the discretion of the examiner, upon failure by applicant of a patent application to reply within the time period provided under § 1.134 and § 1.136. See, 37 CFR 1.135(a). As the record fails to establish that a proper reply to the final Office action mailed December 30, 2010 was timely filed within the time period for reply set forth therein, the holding of abandonment will not be withdrawn.

With respect to the reasons that the reply filed January 11, 2011 was deemed insufficient, petitioner is directed to the Office communications mailed October 19, 2011. Petitioner is advised that the amendments filed subsequent to the abandonment of the application will not be examined because the application is abandoned and, thus, not subject to further prosecution.

With respect to petitioner's solicitation of the "help" and "good advice" of the Office, petitioner is advised that it is outside of the jurisdiction of the Office to provide the services sought by petitioner. An examination of this petition reveals that applicant is unfamiliar with the rules and procedures governing patent petitions. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster". Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

With respect to petitioner's request for withdrawal of the final Office action mailed December 30, 2010, petitioner's arguments do not provide any legal authority for setting aside or otherwise disturbing the holding of abandonment set forth in the Notice of Abandonment mailed November 8, 2011.

ALTERNATE VENUE

As previously suggested, petitioner may wish to consider filing a petition stating that the delay was unintentional. See, enclosed. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the 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).

DECISION

The relief sought by petitioner and discussed herein is without statutory, legislative, or procedural support. In view thereof, petitioner's request for relief, including the withdrawal of the holding of abandonment, is hereby denied.

As previously advised, petitioner may wish to consider filing a petition under 37 CFR 1.137 (b) to revive the application.

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



Anthony Knight
Director
Office of Petitions

Enclosure



INTEL CORPORATION
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

JAN 24 2012

OFFICE OF PETITIONS

In re Application of
Mark B. Trobough et al.
Application No. 12/384,634
Filed: April 6, 2009
Attorney Docket No: **P29575**

:
:
: 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 June 20, 2011 for failure to timely reply to the non-Final Office Action mailed March 17, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed October 19, 2011.

This matter is being referred to Technology Center 2823 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

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

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

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

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

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



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

QUINN, EMANUEL, UPQUHART, OLIVER & HEDGES, LLP
KODA/ANDROLIA
10TH FLOOR
865 S. FIGUEROA STREET
LOS ANGELES, CA 90017

MAILED

JAN 14 2011

In re Application of :
Tatsunari Mii, et al. :
Application No. 12/384,643 :
Filed: April 7, 2009 :
Attorney Docket No. 22691/85A 3803 DIV :

OFFICE OF PETITIONS

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**.

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/384,720, inventor Hidenori Miyamoto, and examiner LEONG, NATHAN T.

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Betty Powell

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCNAIR LAW FIRM, P.A.
P.O. BOX 447
GREENVILLE SC 29602-0447

MAILED
JAN 12 2011
OFFICE OF PETITIONS

In re Application of :
WATFORD, Matthew :
Application No. 12/384,733 :
Filed: April 09, 2009 :
Attorney Docket No. 043122.00003 :

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 December 28, 2010.

The request is **APPROVED**.

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

The request was signed by Douglas Kim on behalf of all attorneys of record who are associated with customer No. 27863. All attorneys/agents associated with the Customer Number 27863 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Matthew Watford at the address indicated below. There is an outstanding Office action mailed October 07, 2010 that requires a reply from the 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: **MATTHEW WATFORD**
205 NORTH DARLINGTON AVENUE
LAMAR SC 29069



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED
JUL 27 2011
OFFICE OF PETITIONS

In re Application of :
MCCOWN :
Application No. 12/384,791 :
Filed: April 8, 2009 :
Attorney Docket No: 4169.CMCC.PT :
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 6, 2011.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney cannot be approved because the attorneys of record were not appointed through use of Customer Number 26986 as indicated. Any future submissions should include the proper designation by which the attorneys were initially appointed to assist in reviewing and to expedite processing.

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

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

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

cc: **JAMES CHARLES MCCOWN**
2000 SUNSET ROAD
LAKE POINT UT 84074



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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
MCCOWN :
Application No. 12/384,791 :
Filed: April 8, 2009 :
Attorney Docket No: 4169.CMCC.PT :
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 2, 2011.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney cannot be approved because it is not clear to the Office as to the status of the remaining attorney. In this regard, if Attorney Paul C. Oestreich is to remain of record in the instant application, the record should so state.

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

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

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

cc: **JAMES CHARLES MCCOWN**
2000 SUNSET ROAD
LAKE POINT UT 84074



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FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVENUE SUITE 360
MISSION VIEJO CA 92691

MAILED

NOV 28 2011

OFFICE OF PETITIONS

In re Application of
Aziz, et al. :
Application No. 12/384,795 : DECISION ON
Filed: April 8, 2009 : PETITION
Attorney Docket No. 0250201 :

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 4, 2011.

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

The holding of abandonment is **WITHDRAWN**.

The above-identified application was held abandoned for failure to timely file a reply to the non-final Office action mailed March 18, 2011. This Office action set an extendable period for reply of three (3) months. No reply having been received, the above-identified application became abandoned on June 19, 2011. The Office mailed a Notice of Abandonment on October 18, 2011.

Petitioner has supplied a copy of an Auto-Reply Facsimile Transmission from the USPTO, showing that a 16 page reply was received in the Office on May 23, 2009.

In view of the above, the holding of abandonment is withdrawn.

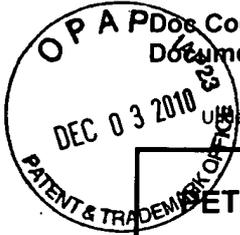
The application is being forwarded to Group Art Unit 2819 for consideration of the Amendment, filed May 23, 2011, a copy of which has been supplied with the instant petition.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', is positioned above the typed name.

Cliff Congo
Petitions Attorney
Office of Petitions

TFW



Document Description: Petition for Green Tech Pilot

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: Application Number (if known): 12/384,797 Filing date: 04/08/2009

First Named Inventor: KAMEN GEORGE KAMENOV

Title: HYBRID WATER PRESSURE ENERGY ACCUMULATING WIND TURBINE & METHOD

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. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.

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 requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that 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: Kamenov Date: NOV. 30 2010
Name (Print/Typed): KAMENOV Registration Number:

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.



In The United States Patent and Trademark Office

Appn. Nr: 12/384,797

Filing date: 04/08/ 2009

Applicant: Kamen G. Kamenov

Mailed on: *NOV. 30 . 2010*

Declaration in Support of Accompanying Petition to Make Special under the Green Technology Pilot Program

Reason: - Alternative Energy Production

Reason: - Harnessing Wing Energy

Reason: - Green House Gas Emission Reduction

In support of accompanying Petition to Make Special, applicant declares as follows:

1. I am the applicant of the above-identified patent application.
2. The invention of the above application will materially enhance the quality of the environment of humankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements of air, water, natural resources and energy in the manner described below:
3. Specifically, the invention of the above specification is a new type of energy accumulating wind turbine which provides more efficient way of harnessing and storage of wind energy. The application clearly discloses that the claimed invention materially enhances the quality of the environment. The application disclosure is clear on its face that the claimed invention materially contributes to the development of renewable energy and energy conservation and to the green house gas emission reduction and therefore enhancing the quality of the environment and contributing to the decreasing of the global warming and the global pollution and thus to the green house gas emission reduction.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefore.

Very respectfully,



Kamen George Kamenov

e-mail: "kgkamenov@yahoo.com

2470 Fulton St.#5
San Francisco, CA 94118
(415) 387 7143 h.
(415) 987 7143 cell.



JFW

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

PTO/SB/420 (12-09)
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:	Application Number (if known): <u>12/384,797</u>	Filing date: <u>04/08/2009</u>
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First Named Inventor: KAMEN GEORGE KAMENOV

Title: HYBRID WATER PRESSURE ENERGY ACCUMULATING WIND TURBINE METHOD

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

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

- By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.
- 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 requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: Ø

Signature <u>Kamenov</u>	Date <u>DEC. 1. 2010</u>
Name (Print/Typed) <u>KAMENOV</u>	Registration Number
<p>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>	

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

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



In The United States Patent and Trademark Office

Appn. Nr: 12/384,797
Filing date: 04/08/ 2009
Applicant: Kamen G. Kamenov

Mailed on: *DEC. 01. 2010*

Declaration in Support of Accompanying Petition to Make Special under the Green Technology Pilot Program

Reason: - Alternative Energy Production
Reason: - Harnessing Wind Energy
Reason: - Green House Gas Emission Reduction

In support of accompanying Petition to Make Special, applicant declares as follows:

1. I am the applicant of the above-identified patent application.
2. The invention of the above application will materially enhance the quality of the environment of humankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements of air, water, natural resources and energy in the manner described below:
3. Specifically, the invention of the above specification is a new type of energy accumulating wind turbine which provides more efficient way of harnessing and storage of wind energy. The application clearly discloses that the claimed invention materially enhances the quality of the environment. The application disclosure is clear on its face that the claimed invention materially contributes to the development of renewable energy and energy conservation and to the green house gas emission reduction and therefore enhancing the quality of the environment and contributing to the decreasing of the global warming and the global pollution and thus to the green house gas emission reduction.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefore.

Very respectfully,



Kamen George Kamenov

2470 Fulton St.#5
San Francisco, CA 94118
(415) 387 7143 h.
(415) 987 7143 cell.

e-mail: "kgkamenov@yaho.com"



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/384,797	04/08/2009	Kamen George Kamenov		4448

7590 12/16/2010
KAMEN GEORGE KAMENOV
2470 Fulton St. #5
San Francisco, CA 94118

EXAMINER

WAKS, JOSEPH

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
12/16/2010	PAPER

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

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



KAMEN GEORGE KAMENOV
2470 Fulton St. #5
San Francisco CA 94118

In re Application of :
Kamen George KAMENOV : DECISION ON PETITION
Application No. 12/384,797 : TO MAKE SPECIAL UNDER
Filed: April 08, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. N/A : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 03, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

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

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

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

The petition lacks item 6 and 8.

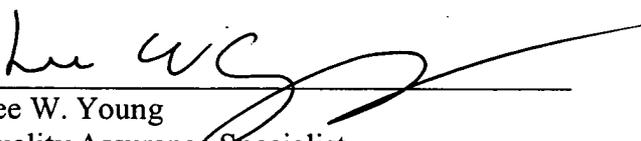
In regard to item 6, the petition was not filed electronically using the USPTO electronic filing system, EFS-Web. There are no exceptions to this requirement. Information about EFS-Web can be found at www.USPTO.gov.

In regard to item 8, the petition was not accompanied by the publication fee as set forth in 37 CFR 1.18(d). There are no exceptions to this requirement.

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

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

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/384,819 04/09/2009 Akihiko Endo CQ10483 4121

7590 03/15/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Table with 1 column: EXAMINER

NHU, DAVID

Table with 2 columns: ART UNIT, PAPER NUMBER

2895

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE

03/15/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



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March 12, 2011

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

In re Application of :
Akihiko Endo, et al : **DECISION ON PETITION**
Application No. 12384819 :
Filed: 04/09/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. **CQ10483** : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 9, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

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



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K&L GATES LLP
3580 CARMEL MOUNTAIN ROAD
SUITE 200
SAN DIEGO, CA 92130

MAILED

SEP 22 2010

OFFICE OF PETITIONS

Applicant: Madison
Appl. No.: 12/384,915
Filing Date: April 10, 2009
Title: FACTOR VII POLYPEPTIDES THAT ARE MODIFIED AND USES THEREOF
Attorney Docket No.: 3800003.00100/4919
Pub. No.: US 2009/0291890 A1
Pub. Date: November 26, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 7, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material error, resulting from faulty optical character recognition.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable “only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” (Emphasis added) A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error due to faulty optical character recognition is, in this case, not Office error. The error is due to the quality of the text, 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 be acceptable for scanning and examination purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and

¹Changes 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).

drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b)."

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.

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

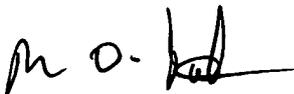
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

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

OR

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

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/384,915	04/10/2009	Edwin L. Madison	33328.04919.US02/4919	3811
13565	7590	08/25/2011	EXAMINER	
McKenna Long & Aldridge LLP			TSAY, MARSHA M	
4435 Eastgate Mall			ART UNIT	PAPER NUMBER
Suite 400			1656	
San Diego, CA 92121			MAIL DATE	DELIVERY MODE
			08/25/2011	PAPER

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

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



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AUG 25 2011

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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Madison et al.
Serial No.: 12/384,915
Filed: April 10, 2009
Attorney Docket No:
33328.04919.US02/4919

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on January 13, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on June 8, 2009 and November 23, 2009 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 8, 2009 and November 23, 2009. 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 8, 2009 and November 23, 2009 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 8, 2009, "Transmittal Letter" of 6 pages, and November 23, 2009, "Transmittal Letter" of 3 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 8, 2009 and November 23, 2009.

DECISION

The petition is **GRANTED**.

The examiner is instructed to consider the IDS of June 8, 2009 and November 23, 2009 which was misclassified in PAIR as a "Transmittal Letter" (June 8, 2009, "Transmittal Letter" of 6 pages, and November 23, 2009, "Transmittal Letter" of 3 pages).

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.
12/384,945	04/10/2009	Neil Francis Hurley	60.1818 US NP	2812
37003	7590	05/13/2011	EXAMINER	
SCHLUMBERGER-DOLL RESEARCH			BREIER, KRISTINE E	
ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT			ART UNIT	PAPER NUMBER
P.O. BOX 425045			3663	
CAMBRIDGE, MA 02142			MAIL DATE	DELIVERY MODE
			05/13/2011	PAPER

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

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



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MAY 13 2011

SCHLUMBERGER-DOLL RESEARCH
ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT
P.O. BOX 425045
Cambridge, MA 02142

In re Application of : PETITION TO
Neil Francis Hurley et al : ACCEPT COLOR
Application No. 12/384,945 : DRAWINGS/PHOTOGRAPHS
Filed: April 10, 2009 :
For: METHODS FOR CHARACTERIZING A
GEOLOGICAL FORMATION TRAVERSED
BY A BOREHOLE

This is a decision on applicant's petition under 37 CFR 1.184(A)(2) filed April 10, 2009 to accept color drawings/photographs.

For the acceptance of color drawings in accordance with 37 CFR 1.184(A)(2), a petition is required which fulfills the following requirements:

- (i) The appropriate fee set forth in 1.17(h),
- (ii) three (3) sets of color drawings/photographs, and
- (iii) amending the specification to contain the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings: "The file of this patent contains at least one drawing executed in color photography. Copies of this patent with color photographs will be provided by the Patent and Trademark Office upon request and payment of necessary fee."

Having met the requirements of 37 CFR 1.184(A)(2), the petition is **GRANTED**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at the number listed below.



Jack Keith
Supervisory Patent Examiner
Art Unit 3663
(571) 272-6878

jwk: 5/12/11



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VIERRA MAGEN/MICROSOFT CORPORATION
575 MARKET STREET, SUITE 2500
SAN FRANCISCO, CA 94105

MAILED

SEP 09 2011

OFFICE OF PETITIONS

In re Application of :
Cyrus Bamji :
Application No. 12/384,949 : **ON PETITION**
Filed: April 10, 2009 :
Attorney Docket No. MSFT-01516US1 :

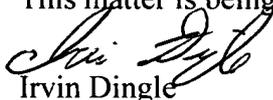
This is a decision on the petition under 37 CFR 1.137(b), filed September 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 8, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on October 9, 2010.

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

This matter is being referred to Technology Center AU 3662 for further processing.


Irvin Dingle
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.
12/385,023	03/30/2009	Tsuyoshi Kamikawa	TFN090060-US	3571
21254	7590	04/16/2012	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC			KENNEDY, JOSHUA T	
8321 OLD COURTHOUSE ROAD			ART UNIT	
SUITE 200			PAPER NUMBER	
VIENNA, VA 22182-3817			3679	
			MAIL DATE	
			DELIVERY MODE	
			04/16/2012	
			PAPER	

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

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



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APR 16 2012

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817

In re Application of :
Kamikawa et al. : DECISION ON PETITION
Application No. 12/385,023 : REGARDING REQUEST TO
Filed: March 30, 2009 : WITHDRAW FINALITY
Attorney Docket No.: TFN090060-US : UNDER 37 CFR 1.181
For: WHEEL BEARING ASSEMBLY AND :
MANUFACTURING METHOD THEREOF :

This is in response to applicant's petition under 37 CFR 1.181 filed March 7, 2012 requesting withdrawal of the finality of the Office action mailed February 3, 2012.

The petition is **DISMISSED**.

At the outset, it should be noted that 37 CFR 1.181(c) states "(w)hen a petition is taken from an action or requirement of an examiner in the *ex parte* prosecution of an application, or in the *ex parte* or *inter partes* prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner..." A proper request for reconsideration would be a written request for reconsideration that distinctly and specifically points out the supposed errors in the examiner's action (see 37 CFR 1.2 and 37 CFR 1.111(b)). A review of the record reveals that no such request has been filed.

Applicant alleges that the finality of the Office action mailed February 3, 2012 is premature because it is believed that the Section 102 rejection based on U.S. Patent No. 6,715,926 to Tajima et al is improper. It is further alleged that due to the claims having been substantively amended twice "since the Final Rejection dated October 19, 2012" (sic, October 19, 2011), the claims subsequent to that rejection have "substantively changed the claimed invention to an embodiment having a sealing agent disposed on the spline teeth from the bottom to top and from one axial end thereof to another axial end". Thus, it is alleged that the instant claims are no longer drawn to the same invention previously claimed before the submission under 37 CFR 1.114, i.e., the claims are directed to an invention that is different from the one claimed before the action dated October 19, 2011.

37 CFR 1.181(a)(1) states the following:

(a) *Petition may be taken to the Director:*

(1) *From any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;*

35 U.S.C. 134(a) states the following:

(a) *PATENT APPLICANT. — An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.*

MPEP 1201 states the following:

Where the differences of opinion concern the denial of patent claims because of prior art or other patentability issues, the questions thereby raised are said to relate to the merits, and appeal procedure within the Office and to the courts has long been provided by statute (35 U.S.C. 134).

The line of demarcation between appealable matters for the Board of Patent Appeals and Interferences (Board) and petitionable matters for the Director of the U.S. Patent and Trademark Office (Director) should be carefully observed. The Board will not ordinarily hear a question that should be decided by the Director on petition, and the Director will not ordinarily entertain a petition where the question presented is a matter appealable to the Board.

Applicant's first argument beginning the last paragraph of page 1 of the instant petition through the first line of page 3 of the instant petition relates to the propriety of the rejection of record as the reasoning for the finality being "premature". In other words, because applicant does not believe that the rejection of record is proper, there is no proper rejection and therefore there can be no "finality". The issue as to whether or not the rejection of record is proper relates to the merits and is a matter that is appealable to the Board, not a matter that is petitionable. Therefore, this argument will not be considered further.

With respect to applicant's second argument (see page 3 of the instant petition), MPEP 706.07(h) makes clear that an applicant cannot file an RCE to obtain continued examination on the basis of claims that are drawn to an invention that is independent and distinct from the claims previously examined. In other words, an applicant cannot switch inventions. Further, any claims presented in an RCE drawn to an invention that is independent and distinct from the invention previously claimed will be withdrawn from consideration and not entered.

A review of the claims in the file reveals that the claimed invention before the Office action mailed October 19, 2011 was directed to a wheel bearing assembly. The claimed invention to which the most recently filed claims are directed is a wheel bearing assembly. As a result of the

restriction requirement mailed April 1, 2011, applicant elected the Group I invention drawn to a wheel bearing assembly. See applicant's response filed on April 20, 2011. An election of species requirement was then additionally set forth in the Office action mailed May 12, 2011. Applicant elected Species I, Figs. 1-7, claims 1-3, in the response filed June 10, 2011. The claims rejected in the Office action mailed October 19, 2011 were directed to the provisionally elected species shown by Figs. 1-7. The claims rejected in the Office action mailed February 3, 2012 are directed to the provisionally elected species shown by Figs. 1-7. Accordingly, contrary to applicant's allegation, the claims are directed to the same invention previously claimed.

Further in regard to applicant's second argument, it should be noted that a change in the scope of the claims to a particular invention does not constitute a change in claimed inventions. Merely changing the claims to further define/limit the invention is not a change as to what invention is being claimed. As clearly stated in MPEP 806.04(e), claims are definitions or descriptions of the inventions; they are never, themselves, the species. Thus, the "claimed invention" is the species identified by Figs. 1-7 and this is the "claimed invention" to which the pending claims are to be restricted to. The current finally rejected claims are drawn to the elected species of Figs. 1-7 and therefore the claims are drawn to the same claimed invention.

With respect to applicant's allegation that the claims have been substantively amended twice since the October 19, 2011 Office action, a review of the record reveals that this allegation is not correct. In particular, since the October 19, 2011 Office action, applicant has filed an amendment on December 2, 2011 that only proposed amending two of the withdrawn claims and included a request for reconsideration. There was no proposed amendment to any claim directed to the elected invention. It was indicated that the proposed response would be entered upon the filing of an appeal in the Advisory action mailed December 13, 2011. The amendment filed with the RCE on January 18, 2012 included an amendment to claim 1. The newly added limitation was addressed in the rejection of claim 1 and the examiner's response to arguments in the Final Office action mailed February 3, 2012.

MPEP 706.07(a) sets forth that the second or any subsequent action on the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

With respect to when it is proper to make an action final on the first action following the filing of an RCE, MPEP 706.07(b) states the following:

The claims of an application for which a request for continued examination (RCE) has been filed may be finally rejected in the action immediately subsequent to the filing of the RCE (with a submission and fee under 37 CFR 1.114) where all the claims in the application after the entry of the submission under 37 CFR 1.114 (A) are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114, and (B) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to the filing of the RCE under 37 CFR 1.114.

As noted above, the claims are drawn to the same claimed invention, i.e., the provisionally elected species of Figs. 1-7, to meet part A of the requirement for making the action immediately subsequent to the RCE filing final. Part B is met since the claims are rejected on the same grounds and art of record as before. This was pointed out by the examiner on page 7 of the Final Office action mailed February 3, 2012.

In summary, the instant petition is **DISMISSED**.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Daniel P. Stodola at (571) 272-7087.



David L. Talbott, Director
Technology Center 3600
(571) 272-5150
Facsimile No.: (571) 273-8300

TL/DS: 4/2/12
/TL/



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January 12, 2011

Patent No. : 7,846,304 B2
Appl. No. : 12/385,038
Inventor(s) : Toshikazu Oga, et al.
Issued : December 7, 2010
Title : **PROCESS FOR PURIFICATION OF 2-CHLORO-5-CHLOROMETHYL-1,3-THIAZOLE**
Docket No. : **2009_0201**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

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

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

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

- A. the processing fee set forth in 37 CFR 1.117(h) (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) 273-8300
ATTN: Office of Petitions

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

Antonio Johnson

For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

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



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COMMISSIONER FOR PATENTS
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1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Patent No. 7,846,304 :
Issue Date: December 7, 2010 :
Application No. 12/385,038 :
Filed: March 30, 2009 :
Attorney Docket No. 2009_0201 :

ON PETITION

This is a decision on the petition filed February 11, 2011, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is DISMISSED.

Petitioner requests issuance of a certificate of correction to add the name of "Sumitomo Chemical Company, 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 [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that the change of name from Toyo Boseki Kabushiki Kaisha to Sumitomo Chemical Company, Ltd. was recorded April 14, 2011, after the date of issuance of this patent. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction with respect to assignee data would not be proper.

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

/ALEZIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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

In re Patent No. 7,846,304
Issue Date: December 7, 2010
Application No. 12/385,038
Filed: March 30, 2009
Attorney Docket No. 2009_0201

MAILED

JUN 21 2011

OFFICE OF PETITIONS

ON PETITION

This is a decision on the request submitted June 14, 2011, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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

MAILED
MAR 03 2011
OFFICE OF PETITIONS

In re Application of :
Atsuo SAKAIDA, et al. :
Application No. 12/385,060 : DECISION GRANTING PETITION
Filed: March 30, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **114929.04** :

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

The petition is **GRANTED**.

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2853 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.
12/385,156	03/31/2009	Satoko Iwakoshi	1419.1139	8955
7590 01/11/2011 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER CEGIELNIK, URSZULA M	
			ART UNIT 3711	PAPER NUMBER
			MAIL DATE 01/11/2011	DELIVERY MODE 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

Deposits sent to the Patent and Trademark Office
Patent and Trademark Office
Washington, DC 20503

FILED
01/11/2011
COMM-FIELD OFFICE
COMM-FIELD OFFICE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,157	03/31/2009	Hironori Kobayashi	1419.1141	4951

7590 01/11/2011
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CEGIELNIK, URSZULA M

ART UNIT	PAPER NUMBER
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3711

MAIL DATE	DELIVERY MODE
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01/11/2011

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 Atmer
Patent Publication Branch
Office of Data Management

USPTO PATENT PUBLIC BRANCH
OFFICE OF DATA MANAGEMENT
1225 K STREET, N.W.
WASHINGTON, DC 20540

PROCESSED BY JAMES W. HARRIS, JR.
DATE: 01/11/2011 09:28:04 AM
BY: JAMES W. HARRIS, JR.
1225 K STREET, N.W.
WASHINGTON, DC 20540



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,159	03/31/2009	Hisanao Takahashi	1419.1140	1770

7590 01/11/2011
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CEGIELNIK, URSZULA M

ART UNIT	PAPER NUMBER
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3711

MAIL DATE	DELIVERY MODE
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01/11/2011

PAPER

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

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE
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WASHINGTON, DC 20503

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WASHINGTON, DC 20503



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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

Applicant: Friesen et al. :
Application No. 12/385,217 : Decision on
Filed: April 1, 2009 : Petition
For: Electrochemical Cell, and Particularly a :
Metal Fueled Cell With Non-Parallel Flow :

MAILED
NOV 08 2010
OFFICE OF PETITIONS

This is a decision in response to the petition entitled "Petition Under 37 CFR 1.182 to Enter Supplemental Application Data Sheet and to Publish Application and Petition to Expedite under 37 CFR 1.182", received on September 3, 2010.

The petition for a corrected filing receipt is granted.

Petitioner asserts that she filed the above identified application with an Application Data Sheet (ADS), which improperly stated that the application was not to be published, but that she did not include the nonpublication request certification. Petitioner asserts that the Office improperly processed the application as if a nonpublication request had been received and that the Office should process the application as if a nonpublication request had not been received.

On April 1, 2009, the above identified application was filed in the Office with an ADS, which stated that the application was not to be published, but that did not include the proper certification.

On April 27, 2009, the Office mailed a Filing Receipt indicating that a Non-Publication Request had been received.

On January 1, 2010, the Office mailed an Updated Filing Receipt indicating that a Non-Publication Request had been received.

On August 27, 2008, the Office received a PTO Nonpublication Request form which had been modified by Petitioner.

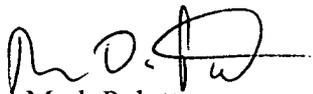
35 U.S.C. 122(b) requires the United States Patent and Trademark Office to publish utility and plant applications filed on or after November 29, 2000, unless, on filing, applicant requested nonpublication with the required certification.

To avoid pre-grant publication of a patent application, applicant must certify that the invention disclosed in the application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing. See 35 U.S.C. 122(b)(2)(B)(I), 37 CFR 1.213 and MPEP 1122. The request for nonpublication must be submitted with the application **upon filing** (this is a statutory requirement and cannot be waived).

The state on the ADS "Application is not to be published" received on April 1, 2009 did not include the proper certification. Petitioner did not file the application with a compliant nonpublication request and the application is not subject to a secrecy order, so therefore the application will be published in accordance with established procedure. Applicants request to expedite is granted.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. See 35 U.S.C. § 41 (a)(7). The required \$400 fee for the petition to expedite under 37 CFR 1.182 has been paid.

Inquiries regarding this communication should be directed 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



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DOMINIQUE BAZINET
2007 DANDURAND ST
MONTREAL QC H2G 1Z1 CA CANADA

MAILED

SEP 14 2010

In re Application of
DOMINIQUE BAZINET
Application No. 12/385,221
Filed: April 2, 2009
Attorney Docket No.

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 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 April 29, 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 June 30, 2009.

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

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

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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MAILED

AUG 16 2010

OFFICE OF PETITIONS

**DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754**

In re Application of :
Qinong Jin et al :
Application No. 12/385,226 : **DECISION ON PETITION**
Filed: April 2, 2009 :
Attorney Docket No. USP4533C/SH007-JON :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an executed declaration and surcharge fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed April 27, 2009, is accepted as having been unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of :
Jin et al. :
Application No. 12/385,226 : DECISION ON PETITION
Filed: April 2, 2009 :
Attorney Docket No. USP4533C/SH007-JQN :

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

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed December 15, 2010. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on March 16, 2011. A Notice of Abandonment was mailed on July 19, 2011.

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

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

This application is being referred to Technology Center AU 3611 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions



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BREINER & BREINER, L.L.C.
115 NORTH HENRY STREET
ALEXANDRIA, VA 22314

MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of
Karl-Heinz Eispert, et. al.
Application No. 12/385,275
Filed: April 3, 2009
Attorney Docket No. 7274

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) or 37 CFR 10.40, filed January 6, 2012.

The request is **APPROVED**.

The request was signed by Jennifer A. Harchick on behalf of herself. Therefore, Jennifer A. Harchick has been withdrawn as attorney/agent of record; all other attorneys/agents remain of record.

The correspondence address of record remains unchanged.

The outstanding Office action mailed December 5, 2011, which requires a reply.

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

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Jennifer A. Harchick
7761 White Heron Trail
Alexandria, Virginia 22306



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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

NOV 23 2010

OFFICE OF PETITIONS

In re Application of
Taylor, et al.
Application No. 12/385,372
Filed: April 6, 2009
Attorney Docket No. 1034305-000005

ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 13, 2010.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

The above-identified application became abandoned for failure to reply to the "Notice to File Corrected Application Papers" mailed December 18, 2009. The notice required replacement drawings to be filed and set a period for reply of two months from its mailing date. No response was received within the allowable period, and the application became abandoned on February 19, 2010. A Notice of Abandonment was mailed on August 27, 2010.

The instant petition was filed on September 13, 2010. Petitioner maintains that a proper response to the "Notice to File Corrected Application Papers" was received by USPTO on January 4, 2010. The petition is accompanied by an Office-date stamped postcard whereby the USPTO acknowledged receiving a response on January 4, 2010. Petitioner has established that a response to the Notice was received and has provided a copy of the replacement drawings. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded to the Office of Patent Application Processing, for further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,383	06/18/2009	Anna Stoklosa		9200

7590 05/04/2011
Anna Stoklosa
120 Gladstone Ave.
Maple, ON L6A 2P1
CANADA

EXAMINER

JOHNSON, AMY COHEN

ART UNIT PAPER NUMBER

2841

MAIL DATE DELIVERY MODE

05/04/2011

PAPER

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

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



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Anna Stoklosa
120 Gladstone Ave.
Maple ON L6A 2P1 CA CANADA

In re Application of

Anna Stoklosa
Application No.: 12/385,383
Filed: 18 June 2009
Attorney Docket No.: N/A
For: TOOL, METHOD AND MARKING
SYSTEM

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

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

The request and petition are **DENIED**.

Discussion

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

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the CIPO, 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 CIPO, 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 CIPO, 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 CIPO application(s);
 - b. An English translation of the allowable/patentable claim(s) if not in English and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. a copy: the all office action(s) from of each of the CIPO application(s) containing the allowable/patentable claim(s)
 - b. An English language translation of the CIPO Office action if not in English
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the CIPO examiner in the CIPO office action(s) (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

This request to participate in the PPH program and petition is assessed as follows:

The request to participate in the PPH program fails to meet at least requirement (3).

Regarding requirement (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the CIPO application. The 58 claims pending in the US application clearly do not correspond to the 3 allowed/patentable CIPO claims.

Regarding requirement (4), examination of the US application has begun. Any renewed petition could not meet requirement (4) and the instant petition is according **DENIED**.

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

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


Lee W. Young
TQAS

Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ANNA STOKLOSA
120 GLADSTONE AVE.
MAPLE ON L6A 2P1 CA CANADA

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Stoklosa :
Application No. 12/385,383 : DECISION
Filed/Deposited: 19 June, 2009 :
Attorney Docket No. (None) :

This is a decision on the petition filed on 8 April, 2011, pursuant to 37 C.F.R. ' 1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. ' 1.53 is **DISMISSED**
without prejudice.

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

BACKGROUND

The instant application was deposited on 7 April, 2009.

On 28 April, 2009, the Office mailed a Notice to File Corrected Application Papers (inter alia, drawings FIGS 2, 4, 14), indicating therein that the application had been accorded a filing date.

OPAP set a two- (2-) month period for reply.

On 10 June, 2009, Petitioner Anna Stoklosa, *pro se*, submitted, inter alia, drawing FIGS, 2, 3, 4—there is no reference to drawing FIG. 14, and there was no Notice of Incomplete Reply mailed at that time.

On 24 June, 2009, the Office mailed a filing receipt indicating a filing date of 18 June, 2009, and on 15 October, 2009, the Office mailed a Notice of Publication, also bearing a filing date of 18 June, 2009.

On 22 September, 2010, Petitioner filed a one- (1-) page transmittal letter and five (5) pages of claims.

Application No. 12/385,383

On 8 April, 2011, Petitioner submitted, *inter alia*, a copy of the 28 April, 2009, Notice to File Corrected Application Papers, a petition seeking a 7 April, 2009, filing date.

Petitioner contends that she is due a filing date of 7 April, 2009. However, Petitioner presents no receipt card or other required showings under the Rule (see: 37 C.F.R. ' 1.53 and MPEP ' 506 and §601.01, et seq.). Further, Petitioner provides no explanation for the delay in addressing this matter since 24 June, 2009, or explanation of the other partial filings she has made herein as noted above.

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

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

CONCLUSION

The petition is **dismissed without prejudice**; the fee is not waived because, as of this writing, it is not clear that the petition was based upon an error of the Office. Petitioner is given **ONE MONTH, not less than 30 days**, to reply to this decision and clarify the record herein.

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

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).

Application No. 12/385,383

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of 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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ANNA STOKLOSA
120 GLADSTONE AVE.
MAPLE ON L6A 2P1 CA CANADA

MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of :
Stoklosa :
Application No. 12/385,383 : DECISION
Filed/Deposited: 19 June, 2009 :
Attorney Docket No. (None) :

This is a decision on the petition filed on 8 July, 2011, pursuant to 37 C.F.R. ' 1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. ' 1.53 is **DISMISSED**.

BACKGROUND

The instant application was deposited on 7 April, 2009.

On 28 April, 2009, the Office mailed a Notice to File Corrected Application Papers (inter alia, drawings FIGS 2, 4, 14), indicating therein that the application had been accorded a filing date.

OPAP set a two- (2-) month period for reply.

On 10 June, 2009, Petitioner Anna Stoklosa, *pro se*, submitted, inter alia, drawing FIGS, 2, 3, 4—there is no reference to drawing FIG. 14, and there was no Notice of Incomplete Reply mailed at that time.

On 24 June, 2009, the Office mailed a filing receipt indicating a filing date of 18 June, 2009, and on 15 October, 2009, the Office mailed a Notice of Publication, also bearing a filing date of 18 June, 2009.

On 22 September, 2010, Petitioner filed a one- (1-) page transmittal letter and five (5) pages of claims.

On 8 April, 2011, Petitioner submitted, *inter alia*, a copy of the 28 April, 2009, Notice to File Corrected Application Papers, a petition seeking a 7 April, 2009, filing date.

Application No. 12/385,383

Petitioner contended that she was due a filing date of 7 April, 2009. However, Petitioner presented no receipt card or other required showings under the Rule (see: 37 C.F.R. ' 1.53 and MPEP ' 506 and §601.01, et seq.). Further, Petitioner provided no explanation for the delay in addressing this matter since 24 June, 2009, or explanation of the other partial filings she has made herein as noted above, and no clarification as to what her wishes were vis-à-vis the drawings which appeared to have been omitted. The petition was dismissed without prejudice on 20 June, 2011.

On 8 July, 2011, Petitioner re-advanced her petition.

On 12 July, 2011, the Office corrected the filing date of the application to 7 April, 2009, and mailed a filing receipt with that date. In that mailing the Office also noted the omission of drawing FIG. 2.1(a) described in the specification, and set forth a two- (2-) month period of reply—Petitioner is reminded that she **must** reply to that Notice within the time set forth therein.

It appears that the request of Petitioner for a filing date of 7 April, 2009, already has been satisfied.

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

CONCLUSION

The petition is **dismissed as moot**; the fee waived and it appears that it has not been charged.

Petitioner is reminded that she must reply to the Notice of Incomplete Application—as to the omitted drawing FIG. 2.1(a) described in the specification—within the two- (2-) month period of reply set forth therein.

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).

Application No. 12/385,383

The application is released to the Office of Patent Application Processing (OPAP) for such processing as required herein 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. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

² The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,406	04/07/2009	Yusuke Kobayashi	107061/08	2242
21254	7590	03/11/2011	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			LI, AIMEE J	
			ART UNIT	PAPER NUMBER
			2183	
			MAIL DATE	DELIVERY MODE
			03/11/2011	PAPER

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of: Y. KOBAYASHI.
Application No. 12/385,406
Attorney Docket #: 107061/08
Filed: April 7, 2009
For: **PROCESSOR APPARATUS AND
METHOD OF PROCESSING
MULTIPLE DATA BY SINGLE
INSTRUCTIONS**

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 January 12, 2011, to make the above-identified application special.

The petition is **DISMISSED**.

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

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

- (ii) validly claims priority to a PCT application that contains no priority claims, or
- (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

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

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

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

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

(5) Applicant must submit:

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

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

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

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:

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

The request to participate in the PPH pilot program and petition fails to meet item 3 of the requirements listed above.

Specifically, Item 3 states that Applicant must: ensure all the claims in the U.S. application sufficiently correspond or are amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). However, the claims in the US application seem to be of a different scope than the counterpart claims in the Japanese application.

For instance, last line of Claim 40, of the US application recites "register sets are inputted to one of the comparative arithmetic unit and the adding unit".

However, it seems that this limitation must recite "register sets are inputted to one of the comparative arithmetic unit or the adding unit" (refer corresponding claim 4 of the corresponding application).

The above are just illustrations of the claim language making a difference in scope of the respective claims. Applicants must review all the claims in the instant US application, and make sure they are amended to correspond in scope with the corresponding allowed claims in the Japanese application.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Application SN 12/385,406
Decision on Petition

Response must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,406	04/07/2009	Yusuke Kobayashi	107061/08	2242

21254 7590 04/26/2011
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

LI, AIMEE J

ART UNIT PAPER NUMBER

2183

MAIL DATE DELIVERY MODE

04/26/2011

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of: Y. KOBAYASHI.
Application No. 12/385,406
Attorney Docket #: 107061/08
Filed: April 7, 2009
For: **PROCESSOR APPARATUS AND
METHOD OF PROCESSING
MULTIPLE DATA BY SINGLE
INSTRUCTIONS**

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 April 11, 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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**THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314**

MAILED

OCT 27 2010

In re Application of
Takeshi Konno et al
Application No. 12/385,420
Filed: April 7, 2009
Attorney Docket No. 29346U

:
:
: **OFFICE OF PETITIONS**
: 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 26, 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 October 4, 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 2833 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,440	04/08/2009	Manfred Eigen	P60752US2	5962
136	7590	01/19/2012	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			YANG, NELSON C	
			ART UNIT	PAPER NUMBER
			1641	
			MAIL DATE	DELIVERY MODE
			01/19/2012	PAPER

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of :
Eigen et al. :
Serial No.: 12/385,440 : Decision on Petition
Filed: April 8, 2009 :
Attorney Docket No: P60752US2 :

This letter is in response to the "Request" to withdraw finality which request is being treated as a petition filed under 37 C.F.R. § 1.181 filed on December 19, 2011 due to the final action being premature.

BACKGROUND

The examiner mailed to applicants a non-final Office action on March 16, 2011. Claims 33-51 were pending and claims 33, 34, 37-42, 45, 46, and 48-51 were rejected. Claims 35, 36, 43, 44 and 47 were withdrawn from consideration. Claims 37, 38, and 41 were rejected under 112, second paragraph, as indefinite. Claims 33, 37-42, 45-46, 48, 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al. Claim 34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al., as applied to claim 33 above, and further in view of Kerstens et al. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al., as applied to claim 48 above, and further in view of North, Jr. et al. Claims 33-51 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,849,461.

In response thereto, applicants submitted amendments and remarks on August 15, 2011 addressing the rejections set forth in the Office action of March 31, 2011.

The examiner mailed to applicants a final Office action on September 14, 2011. Claims 33-51 were pending and claims 33, 34, 37-42, 45, 46, and 48-52 were rejected. Claims 35, 36, 43, 44 and 47 were withdrawn from consideration. Claims 33, 37-42, 45-46, 48, 51 were rejected under

35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al. Claim 34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al., as applied to claim 33 above, and further in view of Kerstens et al. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al., as applied to claim 48 above, and further in view of North, Jr. et al. 16. Claim 52 was newly rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Icenogle et al. Claims 33-51 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,849,461. 30. Claim 52 was newly rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,849,461 in view of Icenogle et al.

On September 14, 2011, applicants submitted a letter "Requesting" to withdraw the premature final Office action of August 15, 2011.

The examiner mailed to applicants a miscellaneous letter on October 17, 2011 indicating the final Office action was not premature.

On December 19, 2011, applicants submitted a second "Request" to withdraw the final Office action which Request is being treated as the petition currently under review.

DISCUSSION

The petition and file history have been carefully considered.

Applicants argue that "The PTO paper mailed October 17, 2011, refused applicants' request to withdraw finality of the Office Action mailed September 14, 2011, which refusal was clearly erroneous. The refusal was clearly erroneous because the subject matter of (replacement) claim 52 is not "significantly different" than the subject matter of (replaced) claim 38, allegations to the contrary in the PTO refusal notwithstanding. The refusal distorts the subject matter of claims 33 and 52 by taking text from each claim out of context for comparison. In fact, both claims 38 and 52 define "a method for identifying pharmacological target molecules" and both claims recite the step of "irradiating that sample compartment to generate a signal functionally related to the interaction of said substance with said target molecule"; the only difference being that claim 38 recites "using a confocal optical system... wherein said signal is produced by a correlated analytical system., wherein said correlated analytical system is a fluorescence correlation spectroscopy system" and claim 52 recites "using fluorescence correlation spectroscopy"; i.e., claim 38 is limited to "using . . . a fluorescence correlation spectroscopy system" and claim 52 recited "using fluorescence correlation spectroscopy."

Applicants' arguments have been accorded careful consideration but they are not persuasive that the examiner erred in making the Office action of September 14, 2011 final. It is the examiner's interpretation of the claims that claim 38 was merely describing the confocal optical system of claim 33 as a fluorescence correlation spectroscopy system. From the specification, it appears that the fluorescence correlation spectroscopy system is merely a confocal optical system.

Claim 52 instead recites the active step of performing fluorescence correlation spectroscopy, which was not previously recited in the claims. The differences between the two is that in claim 38, the fluorescence correlation spectroscopy system may be used for fluorescence correlation spectroscopy, it can also be used for other techniques, such as general fluorescence measurement. Fluorescence correlation spectroscopy itself is a technique that comprises a series of steps that essentially compares light measured and correlates it against a base value (i.e. the correlation). In any event, claim 52 required further consideration, which consideration was not required prior to the amendment. Furthermore, re-searching the claims was required which resulted in a new reference being found. As a result, the "new" rejections were, in fact, necessitated by amendment. Accordingly, the finality of the Office action of September 14, 2011 is deemed proper.

DECISION

The petition is **DENIED**.

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

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



George Elliott
Director, Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,440	04/08/2009	Manfred Eigen	P60752US2	5962
136 7590 03/02/2012 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER YANG, NELSON C	
			ART UNIT 1641	PAPER NUMBER
			MAIL DATE 03/02/2012	DELIVERY MODE PAPER

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of :
Eigen et al. :
Serial No.: 12/385,440 : Decision on Petition
Filed: April 8, 2009 :
Attorney Docket No: P60752US2 :

This letter is in response to the "Request" to withdraw finality which request is being treated as a petition filed under 37 C.F.R. § 1.181 filed on December 14, 2011 due to the final action being premature.

BACKGROUND

The examiner mailed to applicants a non-final Office action on March 16, 2011. Claims 33-51 were pending and claims 33, 34, 37-42, 45, 46, and 48-51 were rejected. Claims 35, 36, 43, 44 and 47 were withdrawn from consideration. Claims 37, 38, and 41 were rejected under 112, second paragraph, as indefinite. Claims 33, 37-42, 45-46, 48, 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al. Claim 34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al., as applied to claim 33 above, and further in view of Kerstens et al. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al., as applied to claim 48 above, and further in view of North, Jr. et al. Claims 33-51 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,849,461.

In response thereto, applicants submitted amendments and remarks on August 15, 2011 addressing the rejections set forth in the Office action of March 31, 2011.

The examiner mailed to applicants a final Office action on September 14, 2011. Claims 33-51 were pending and claims 33, 34, 37-42, 45, 46, and 48-52 were rejected. Claims 35, 36, 43, 44 and 47 were withdrawn from consideration. Claims 33, 37-42, 45-46, 48, 51 were rejected under

35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al. Claim 34 was rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al., as applied to claim 33 above, and further in view of Kerstens et al. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Buican et al., as applied to claim 48 above, and further in view of North, Jr. et al. 16. Claim 52 was newly rejected under 35 U.S.C. 103(a) as being unpatentable over Zold in view of Moore et al. and Icenogle et al. Claims 33-51 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,849,461. 30. Claim 52 was newly rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,849,461 in view of Icenogle et al.

On September 14, 2011, applicants submitted a letter "Requesting" to withdraw the premature final Office action of August 15, 2011.

The examiner mailed to applicants a miscellaneous letter on October 17, 2011 indicating the final Office action was not premature.

On December 19, 2011, applicants submitted a second "Request" to withdraw the final Office action which Request is being treated as the petition currently under review.

DISCUSSION

The petition and file history have been carefully considered.

Applicants argue that "The PTO paper mailed October 17, 2011, refused applicants' request to withdraw finality of the Office Action mailed September 14, 2011, which refusal was clearly erroneous. The refusal was clearly erroneous because the subject matter of (replacement) claim 52 is not "significantly different" than the subject matter of (replaced) claim 38, allegations to the contrary in the PTO refusal notwithstanding. The refusal distorts the subject matter of claims 33 and 52 by taking text from each claim out of context for comparison. In fact, both claims 38 and 52 define "a method for identifying pharmacological target molecules" and both claims recite the step of "irradiating that sample compartment to generate a signal functionally related to the interaction of said substance with said target molecule"; the only difference being that claim 38 recites "using a confocal optical system... wherein said signal is produced by a correlated analytical system..., wherein said correlated analytical system is a fluorescence correlation spectroscopy system" and claim 52 recites "using fluorescence correlation spectroscopy"; i.e., claim 38 is limited to "using . . . a fluorescence correlation spectroscopy system" and claim 52 recited "using fluorescence correlation spectroscopy."

Applicants' arguments have been accorded careful consideration but they are not persuasive that the examiner erred in making the Office action of September 14, 2011 final. It is the examiner's interpretation of the claims that claim 38 was merely describing the confocal optical system of claim 33 as a fluorescence correlation spectroscopy system. From the specification, it appears that the fluorescence correlation spectroscopy system is merely a confocal optical system.

Claim 52 instead recites the active step of performing fluorescence correlation spectroscopy, which was not previously recited in the claims. The differences between the two is that in claim 38, the fluorescence correlation spectroscopy system may be used for fluorescence correlation spectroscopy, it can also be used for other techniques, such as general fluorescence measurement. Fluorescence correlation spectroscopy itself is a technique that comprises a series of steps that essentially compares light measured and correlates it against a base value (i.e. the correlation). In any event, claim 52 required further consideration, which consideration was not required prior to the amendment. Furthermore, re-searching the claims was required which resulted in a new reference being found. As a result, the "new" rejections were, in fact, necessitated by amendment. Accordingly, the finality of the Office action of September 14, 2011 is deemed proper.

DECISION

The petition is **DENIED**.

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

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

George Elliott
Director, Technology Center 1600





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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.
12/385,522	04/10/2009	Bruce Bent	049212-0136	4373
22428	7590	11/05/2010	EXAMINER	
FOLEY AND LARDNER LLP			CHEUNG, MARY DA ZHI WANG	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			3694	
WASHINGTON, DC 20007			MAIL DATE	DELIVERY MODE
			11/05/2010	PAPER

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

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



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NOV - 5 2010

Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of
Bent et al.
Appl. No.:12/385,522
Filed: April 10, 2009
For: SYSTEMS AND METHODS FOR
ADMINISTERING RETURN SWEEP ACCOUNTS

:
:
: **RESPONSE TO PETITION**
: **UNDER 37 CFR 1.59**
:
:
:
:
:

This is a decision on the petitions under 37 CFR 1.59(b), filed September 29, 2010, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that the (PIDS) filed 9/29/10 and the documents CD7; CD31, and CD35 to CD42 filed 8/20/10, be expunged from the record.

A petition under 37 CFR 1.59(b) must contain:

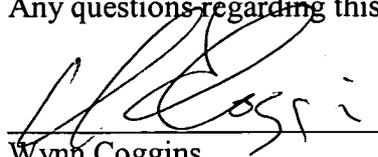
- (A) a clear identification of the information to be expunged without disclosure of the details thereof;
- (B) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
- (C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
- (E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b)

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

As the above conditions have been met, the requested material has been expunged. However, the material will not be returned to the applicants. The obligation to return documents was removed from 37 CFR 1.59 (June 30, 2003 Fed Register, Vol. 68, No. 125, 38613). The documents have been closed from the IFW record so as not to be viewable by non-PTO personnel. This decision only applies to this application, and any other applications containing the proprietary information will need to be separately decided.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Any questions regarding this decision should be directed to Jim Trammell at (571) 272-6712.



Wynn Coggins
Patent Technology Center 3600

DB/SM: 12/13/08

TL



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,522	04/10/2009	Bruce Bent	049212-0136	4373
22428	7590	03/04/2011	EXAMINER	
FOLEY AND LARDNER LLP			CHEUNG, MARY DA ZHI WANG	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			3694	
WASHINGTON, DC 20007			MAIL DATE	DELIVERY MODE
			03/04/2011	PAPER

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

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



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MAR 04 2011

Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of
Bent et al.
Appl. No.:12/385,522
Filed: April 10, 2009
For: SYSTEMS AND METHODS FOR
ADMINISTERING RETURN SWEEP ACCOUNTS

:
:
: **RESPONSE TO PETITION**
: **UNDER 37 CFR 1.59**
:
:
:
:
:

This is a decision on the supplemental petition under 37 CFR 1.59(b), filed November 23, 2010 to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that all the prior art documents filed on 8/20/10 be expunged.

A petition under 37 CFR 1.59(b) must contain:

- (A) a clear identification of the information to be expunged without disclosure of the details thereof;
- (B) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
- (C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
- (E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b)

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

As the above conditions have been met, the requested material has been expunged. However, the material will not be returned to the applicants. The obligation to return documents was removed from 37 CFR 1.59 (June 30, 2003 Fed Register, Vol. 68, No. 125, 38613). The documents have been closed from the IFW record so as not to be viewable by non-PTO personnel. This decision only applies to this application, and any other applications containing the proprietary information will need to be separately decided.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Any questions regarding this decision should be directed to Jim Trammell at (571) 272-6712.



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

TZ



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

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of :
Kolatt et al. :
Application No. 12/385,532 : **ON PETITION**
Filed: 04/10/2009 :
Attorney Docket Number: 45775 :

This is in response to the PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS, filed in the United States Patent and Trademark Office (USPTO) on April 10, 2009, which is treated as a petition under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The petition does not comply with 37 CFR 1.84(a)(2)(iii) in that the present petition does not include an amendment to the specification contained on a separate paper (See 37 CFR 1.121(h), nor is the amendment in compliance with 37 CFR 1.121(b). Rather, the amendment is physically part of the petition and is therefore unacceptable.

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

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

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

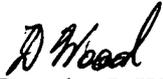
By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2878.

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


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12385567
Filing Date	13-Apr-2009
First Named Inventor	Changjung Kim
Art Unit	2627
Examiner Name	CHRISTOPHER LAMB
Attorney Docket Number	2557SI-001150/US
Title	TOUCH PANEL INCLUDING NANOWIRE

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	/John A. Castellano/
Name	John A. Castellano
Registration Number	35094



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : January 18, 2012

In re Application of :

Changjung Kim

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12385567

Filed : 13-Apr-2009

Attorney Docket No : 2557SI-001150/US

This is an electronic 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 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 2627 for processing of the request for continuing examination under 37 CFR 1.114 .

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: 7512-144

Application Number (if known): 12/385,572

Filing date: April 13, 2009

First Named Inventor: Neil M. MACKIE

Title: Method and Apparatus for Controllable Sodium Delivery for Thin Film Photovoltaic Materials

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: Preliminary Amendment

Signature



Date January 28, 2011

Name (Print/Typed) Leon Radomsky

Registration Number 43,445

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Neil M. MACKIE

Group Art Unit: 1728

Serial No. 12/385,572

Examiner: SLAWSKI, MAGALI P

Filed: April 13, 2009

Confirmation No. 6198

Docket No. 7512-144

For: METHOD AND APPARATUS FOR CONTROLLABLE SODIUM DELIVERY FOR THIN FILM PHOTOVOLTAIC MATERIALS

**STATEMENT REGARDING PUBLICATION OF APPLICATION AND
THE ELIGIBILITY REQUIREMENT**

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This Statement is filed in conjunction with a Petition To Make Special Under The Green Technology Pilot Program.

The undersigned representative of the Applicants' states that the above listed application has been published. The publication fee is being paid in conjunction with the filing of the Petition To Make Special Under The Green Technology Pilot Program.

The undersigned representative of the Applicants further states that the above listed application is entitled to special status under the Green Technology Pilot Program because the invention materially contributes to the discovery or development of renewable energy resources.

Respectfully submitted,



Date: January 28, 2011

The Marbury Law Group PLLC
11800 Sunrise Valley Dr., Ste. 1000
Reston, VA 20191
703-391-2900

Leon Radomsky
Attorney for Applicants
Reg. No. 43,445



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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.
12/385,572	04/13/2009	Neil M. Mackie	7512-144	6198
97292	7590	02/07/2011	EXAMINER	
The Marbury Law Group, PLLC 11800 Sunrise Valley Drive Suite 1000 Reston, VA 20191			SLAWSKI, MAGALI P	
			ART UNIT	PAPER NUMBER
			1728	
			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):

ptonotices@marburylaw.com



2/7/2011

The Marbury Law Group, PLLC
11800 Sunrise Valley Drive
Suite 1000
Reston VA 20191

In re Application of	:	
Neil M. Mackie	:	DECISION ON PETITION
Application No. 12/385,572	:	TO MAKE SPECIAL UNDER
Filed: April 13, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 7512-144	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 28, 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 inquiries 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



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/385,594 04/14/2009 Takeo Yamamoto 01-1850 8134

7590 10/08/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

CRUZ, LESLIE PILAR

ART UNIT PAPER NUMBER

2826

MAIL DATE DELIVERY MODE

10/08/2010

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. [X] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Barnes (handwritten signature)

Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,663	04/15/2009	Nilesh Balar	811239	9516
7590 01/11/2012				
DWEEJ* Patent Research, LLC Patent and Trademark Search and Applications 600 North Pickett Street Alexandria, VA 22304-2110			EXAMINER DANG, ANH TIEU	
			ART UNIT 3731	PAPER NUMBER
			MAIL DATE 01/11/2012	DELIVERY MODE PAPER

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

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



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DWEEJ* Patent Research, LLC ::
Patent and Trademark Search and Applications ::
600 North Pickett Street :
Alexandria VA 22304-2110 ::

DECISION ON PETITION

In re Application of:
BALAR, NILESH
Serial No.: 12/385,663
Filed: April 15, 2009
Attorney's Docket: 811239
Title: Biomedical Filter

This is a decision on the petition filed on January 3, 2012 seeking withdrawal of the finality of the Office action mailed August 16, 2011. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the January 3, 2012 petition, the petitioner requests the finality of the Office action of March 22, 2011 be reconsidered and withdrawn because the applicant believes that the final rejection was premature. In particular, petitioner argues that the examiner's new grounds of rejection were not necessitated by the applicant's amendment of June 1, 2011.

A further review of the file record shows that the instant petition was filed more than four months after the mailing date of the final Office action of August 16, 2011. Pursuant to 37 CFR 1.181(f)¹, the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of August 16, 2011 will not be granted. Based on the reasons as stated above, petitioner's request to withdraw the finality of the Office action dated August 16, 2011 is hereby dismissed as untimely.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings.

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

PETITION DISMISSED AS UNTIMELY.


Robin Evans, Acting Director
Technology Center 3700



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes application 12/385,667, inventor Fukumi Morishige, examiner WANG, SHENGJUN, and notification date 08/24/2010.

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

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

The petition is granted.

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

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

Handwritten signature of Miami Armes

Patent Publication Branch
Office of Data Management

Small printed text at bottom left, possibly a date stamp.

Adjustment date: 08/20/2010
Small printed text at bottom right, possibly a date stamp.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,740	04/17/2009	David MacLean	0100/0210	5862
21395	7590	11/16/2010	EXAMINER	
LOUIS WOO LAW OFFICE OF LOUIS WOO 717 NORTH FAYETTE STREET ALEXANDRIA, VA 22314			HUSON, MONICA ANNE	
			ART UNIT	PAPER NUMBER
			1742	
			MAIL DATE	DELIVERY MODE
			11/16/2010	PAPER

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wk

Mailed:
In re application of
MacLean et al.
Serial No. 12/385,740
Filed: April 17, 2009

NOV 16 2010

:
:
DECISION ON
:
PETITION

For: **NEEDLE PROTECTION DEVICE WITH
GAUGE SPECIFIC COLOR CODING AND
METHOD FOR MANUFACTURING THEREOF**

This is a decision on a PETITION filed April 29, 2010, 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 Declaration filed April 29, 2010 be redacted.

The petition is **GRANTED**.

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase “and returned ” from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase “and return ” from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

12/385,740

The images will be removed from the Official file.

/W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

LOUIS WOO
LAW OFFICE OF LOUIS WOO
717 NORTH FAYETTE STREET
ALEXANDRIA VA 22314



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

MAILED

OCT 08 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Shunsuke Komori et al :
Application No. 12/385,769 :
Filed: April 20, 2009 :
Attorney Docket No. KOMO3004/JJC/JS :

This is a decision on the petition, filed October 8, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 8, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 2834 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/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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ALEXANDRIA VA 22314-1176**

**MAILED
DEC 30 2010
OFFICE OF PETITIONS**

In re Application of :
Shunsuke Komori, et al. :
Application No. 12/385,769 : DECISION GRANTING PETITION
Filed: April 20, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. KOMO3004/JJC/JS :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 30, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 2, 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 2834 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,775	04/20/2009	Chun-Jan Liao	0941-1599PUS2	5367

2292 7590 04/05/2012
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

HILL, KEVIN KAI

ART UNIT	PAPER NUMBER
1633	

NOTIFICATION DATE	DELIVERY MODE
04/05/2012	ELECTRONIC

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

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April 4, 2012

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

In re Application of :
LIAO, CHUN-JAN et al : **DECISION ON PETITION**
Application No. 12/385,775 :
Filed: 04/20/2009. : **ACCEPTANCE OF COLOR**
Attorney Docket No. 0941-1599PUS2 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 20, 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,781	04/20/2009	Chun-Jan Liao	0941-1599PUS3	4366
2292	7590	04/04/2012	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HILL, KEVIN KAI	
			ART UNIT	PAPER NUMBER
			1633	
			NOTIFICATION DATE	DELIVERY MODE
			04/04/2012	ELECTRONIC

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April 3, 2012

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

Re Application of
LIAO, CHUN-JAN, ET AL
Application: **12/385781**
Filed: **04/20/2009**
Attorney Docket No: **0941-1599PUS3**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 20, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

MAILED

AUG 11 2010

OFFICE OF PETITIONS

In re Application of :
Ermantraut et al. :
Application Number: 12/385805 :
Deposited: 04/21/2009 : DECISION ON PETITION
Attorney Docket Number: :
15111.0104 :

This is a decision on the "PETITION FOR FILING DATE" filed on July 14, 2009, which is treated as a petition under 37 CFR 1.57(a) requesting that the above-identified application be accorded a filing date of April 21, 2009.

BACKGROUND

On April 21, 2009, the application was deposited. The application papers consisted of, *inter alia*, a preliminary amendment containing a claim of benefit to prior-filed international Application No. PCT/EP2007/061302, filed on October 22, 2007.

Accordingly, on June 19, 2009, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification, including at least one claim, as required by 35 U.S.C. 112, is missing. An executed oath or declaration was also required.

On July 14, 2009 the subject petition was filed. Petitioners apparently concede that the specification was omitted from the papers filed on April 21, 2009, but request a filing date of April 21, 2009, because the application claims the benefit of prior-filed international Application No. PCT/EP2007/061302. Petitioner has also supplied a copy of 74 pages of specification, including claims, and six (6) sheets of drawings, as well as a declaration.

Relying on §1.57(a), applicant asserts that the specification is effectively incorporated by reference.

OPINION

37 CFR 1.57 states, in pertinent part:

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

...

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by

way of a petition pursuant to this paragraph,
accompanied by the fee set forth in § 1.17(f).

(emphasis added)

A review of the application as filed reveals that it included, in the preliminary amendment filed on April 21, 2009, a claim of benefit to prior-filed international Application, No. PCT/EP2007/061302 filed on October 22, 2007.¹

The petition must be dismissed, however, because applicants have not supplied a copy of the prior-filed international application. 37 CFR 1.57(a)(1)(i) requires that the applicant supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111. It is unclear whether the specification and drawings filed constitute a copy of the prior-filed application.

Further, although a copy of a specification, including drawings, has been filed with the present petition, the preliminary amendment filed with the petition does not request entry of the specification, including claims, and drawings which comprise the prior-filed application. A preliminary amendment requesting entry of the inadvertently omitted specification and drawings must be filed in order to meet the requirements of 37 CFR 1.57(a)(1).

Accordingly, the petition is dismissed without prejudice to reconsideration pending submission of a copy of the prior-filed international application, and a preliminary amendment requesting entry of the inadvertently omitted specification and drawings.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

The petition fee of \$400.00 will be charged to counsel's deposit account as authorized in the petition.

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

By mail: Mail Stop Petition

¹ It is noted that an Application Data Sheet (ADS) was filed on April 21, 2009, stating that the subject application was a national stage filing of the above-referenced international application. However, as the subject application was filed under 35 U.S.C. 111(a), and not under 35 U.S.C. 371, and a preliminary amendment was filed stating that the subject application is a continuation of PCT/EP2007/061302, it is obvious that petitioner intends this application to be a continuation of the prior-filed international application, and the petition will be treated as such.

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Alexandria, VA 22313-1450

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

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

A reply may also be filed via EFS-Web.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.



Christopher Bottorff
Supervisor
Office of Petitions



23 AUG 2010

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27890
STEPTOE & JOHNSON LLP
1330 Connecticut Ave., N.W.
Washington, DC 20036

In re Application of :
ERMANTRAUT *et al* :
U.S. Application No.: 12/385,805 :
Filing Date: July 14, 2009 :
Docket No.: 15111.0104 :
For: ASSAY DEVICES AND METHODS :
FOR THE DETECTION OF ANALYTES :

DECISION

This decision is in response to the "Response to Decision" filed July 14, 2009 which is treated as a renewed petition under 37 CFR 1.137(b) and **GRANTED** as follows:

International application PCT/EP2007/061302 became abandoned as to the United States of America for failure to pay the basic national fee by thirty months from the priority date. The prior decision mailed June 17, 2009 noted that applicants' failed to provide a specification with the papers submitted April 21, 2009. Applicants have corrected this error and provided a continuing application under 35 U.S.C. 111(a). All items of 37 CFR 1.137(b) are now satisfied.

International application PCT/EP2007/061302 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuation application number 12/385,805.

This application is being forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a) with a filing date of July 14, 2009.

James Thomson
James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,831	04/21/2009	Shoichi Toya	2009_0617A	2418

513 7590 08/18/2010
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
08/18/2010	ELECTRONIC

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

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ddalecki@wenderoth.com
eoa@wenderoth.com



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

**In re Application of
TOYA et al.
Application No.: 12/385,831
Filed: 21 April 2009
Attorney Docket No.: 2009_0617A
For: MOBILE ELECTRONIC
EQUIPMENT AND BATTERY
CHARGER CRADLE**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 12 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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.



Lee W. Young
TQAS
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,833	04/21/2009	Shoichi Toya	2009_0616A	3929

513 7590 08/18/2010
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

NOTIFICATION DATE	DELIVERY MODE
08/18/2010	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com



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

**In re Application of
TOYA et al.
Application No.: 12/385,833
Filed: 21 April 2009
Attorney Docket No.: 2009_0616A
For: BATTERY PACK**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 12 August 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, 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 obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;

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

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

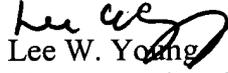
Regarding the requirement of condition (6), applicant has failed to submit an IDS containing all of the documents cited by the JPO examiner in the JPO office action and provided copies of the documents. Specifically, JP 2008-235022A and JP H02-124601U were cited by the JPO examiner but no IDS or copies have been received.

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

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

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

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


Lee W. Young

TQAS Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,833	04/21/2009	Shoichi Toya	2009_0616A	3929

513 7590 10/01/2010
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
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2858

NOTIFICATION DATE	DELIVERY MODE
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10/01/2010

ELECTRONIC

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com



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

**In re Application of
TOYA et al.
Application No.: 12/385,833
Filed: 21 April 2009
Attorney Docket No.: 2009_0616A
For: BATTERY PACK**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 12 August 2010 and renewed on 17 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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.



Lee W. Young
TQAS
Technology Center 2800



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Paper No.

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
SEP 03 2010
OFFICE OF PETITIONS

In re Application of :
Sakai : DECISION ON RENEWED
Application No. 12/385,863 : PETITION PURSUANT TO
Date of Deposit: April 22, 2009 : 37 C.F.R. § 1.182
Attorney Docket No. 042319A :
Title: DR5 GENE PROMOTER AND SIAH-1:
GENE PROMOTER :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.182, filed on July 22, 2010, requesting that the above-referenced application be accorded a filing date of April 22, 2009, including Figures 1-4 that were omitted on filing.

The renewed petition is **DISMISSED**.

Application papers in the above-identified application were deposited on April 22, 2009. However, on March 5, 2010, the Office of Data Management mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicant timely filed a submission that was treated as an original petition pursuant to 37 C.F.R. § 1.182 on March 24, 2010. In which, Petitioner acknowledges inadvertently omitting drawings on submission of the present application. Petitioner argues, however, that entry of the concurrently submitted drawings is merited, due to the fact that the application contains a foreign priority claim.

The original petition was dismissed via the mailing of a decision on July 15, 2010, which indicated that the original petition was treated as an assertion that Figures 1-4 were constructively present in the present application on filing, by

virtue of the incorporation by reference of the foreign application to which benefit is claimed, pursuant to M.P.E.P. § 201.06(c) (IV) (A).

The decision on the original petition noted:

- the present application claims the benefit of Japanese Patent Application No. 2001-309179;
- the contents of the same have been incorporated by reference;¹
- both the declaration and the Application Data Sheet that were submitted on filing contain the foreign priority claim;
- pursuant to 35 U.S.C. § 119, the application as filed is considered to have incorporated by reference the prior-filed foreign application as to the inadvertently omitted figures, and;
- in view of the incorporation by reference of the prior-filed foreign application, the figures supplied concurrently with the original petition on March 24, 2010 would not constitute new matter if they were a part of the original disclosure of the prior-filed foreign application.

With the original petition, Petitioner submitted, *inter alia*, the petition fee and a set of drawings. The original petition was dismissed as the petition was not accompanied by an amendment directing the entry of these drawings.²

With this renewed petition, Petitioner has included a new set of replacement drawings, along with an amendment directing the entry of the same. However, these replacement drawings cannot be entered, as they have not been identified as "replacement sheet(s)," as required by 37 C.F.R. §§ 1.84(c) and 1.121(d).³

¹ Specification that was present on filing, page 1.

² The second page of the original petition contains a request for the drawings to be entered, however this request cannot be construed as an amendment due to 37 C.F.R. § 1.4(c), which states that "each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects."

³ It is noted that each sheet of drawings that was included with the original petition was properly labeled as a "REPLACEMENT SHEET," emphasis included.

The reply 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 "Second Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner may wish to consider filing an amendment that directs the entry of properly labelled drawings.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail⁴, hand-delivery⁵, or facsimile⁶. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web⁷.

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.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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

5 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

6 (571) 273-8300 - please note this is a central facsimile number.

7 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>



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Paper No.

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
Sakai : DECISION ON SECOND
Application No. 12/385,863 : RENEWED PETITION PURSUANT
Filed: April 22, 2009 : TO 37 C.F.R. § 1.182
Attorney Docket No. 042319A :
Title: DR5 GENE PROMOTER AND SIAH-1:
GENE PROMOTER :

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.182, filed on September 29, 2010, requesting that the above-referenced application be accorded a filing date of April 22, 2009, including Figures 1-4 that were omitted on filing.

The second renewed petition is **GRANTED**.

Application papers in the above-identified application were deposited on April 22, 2009. However, on March 15, 2010, the Office of Data Management mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicant timely filed a submission that was treated as an original petition pursuant to 37 C.F.R. § 1.182 on March 24, 2010. In which, Petitioner included the petition fee and acknowledged inadvertently omitting drawings on submission of the present application. Petitioner argued, however, that entry of the concurrently submitted drawings is merited, due to the fact that the application contains a foreign priority claim.

The original petition was dismissed via the mailing of a decision on July 15, 2010, which indicated that the original petition was treated as an assertion that Figures 1-4 were

constructively present in the present application on filing, by virtue of the incorporation by reference of the foreign application to which benefit is claimed, pursuant to M.P.E.P. § 201.06(c)(IV)(A).

The decision on the original petition noted:

- the present application claims the benefit of Japanese Patent Application No. 2001-309179;
- the contents of the same have been incorporated by reference;¹
- both the declaration and the Application Data Sheet that were submitted on filing contain the foreign priority claim;
- pursuant to 35 U.S.C. § 119, the application as filed is considered to have incorporated by reference the prior-filed foreign application as to the inadvertently omitted figures, and;
- in view of the incorporation by reference of the prior-filed foreign application, the figures supplied concurrently with the original petition on March 24, 2010 would not constitute new matter if they were a part of the original disclosure of the prior-filed foreign application.

A renewed petition pursuant to 37 C.F.R. § 1.182 was filed on July 22, 2010, and was dismissed via the mailing of a decision on September 3, 2010.

With this second renewed petition, Petitioner has submitted a properly labelled set of replacement drawings along with an amendment directing the entry of the same.

Both the drawings and the amendment received on September 29, 2010 will, of course, be reviewed by the Examiner for new matter.² The amendment is not new matter if the substance was a part of the disclosure of prior-filed Japanese Patent Application No. 2001-309179, to which benefit is claimed.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive

¹ Specification that was present on filing, page 1.

² See MPEP §§ 608.02(h) and 608.04.

further processing with a **filing date of April 22, 2009**, using the original application papers filed on that date, as well as the four sheets of drawings that were submitted on September 29, 2010. OPAP will then **mail a filing receipt**.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.³

/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 any further action(s) of Petitioner.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,910	04/23/2009	Yasuhiro Hidai	8781/91785	8888
42798	7590	05/05/2011	EXAMINER	
FITCH, EVEN, TABIN & FLANNERY			ASHLEY, BOYER DOLINGER	
P. O. BOX 18415			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			3724	
			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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FITCH, EVEN, TABIN & FLANNERY
P. O. BOX 18415
WASHINGTON DC 20036

In re Application of	:	
HIDAI, YASUHIRO et al	:	DECISION ON REQUEST TO
Application No. 12/385,910	:	PARTICIPATE IN PATENT
Filed: April 23, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 8781/91785	:	PROGRAM AND PETITION
For: MILLING TOOL	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 4, 2011 to make the above-identified application special.

The request and petition are dismissed.

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

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

The request to participate in the PPH program and petition met all conditions except Item #3

The request to participate in the PPH pilot program and petition does not show JPO allowed claims 1-4 correspond with the current pending claims 1-6. Currently, this application contains claims 1-6 as filed on <ay 4, 2011. The scope of the newly added/amended/modified independent claim 1 was not examined by the JPO examiner. Claim 1 has been broadened. For example, the limitations "cup-shaped base", "5-6 abrasive grains" is not found in claim 1. In order to grant the PPH Request in this case, it is suggested that the applicant cancel the newly added/amended/modified independent claim 1 and place dependent claims 2-5 to dependent from claim 6 which has identical scope of the JPO allowed claim 1 as correctly indicated in the applicant's claim comparison chart.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action on the merits for claims 1-6 in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

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



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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.
12/385,922	04/24/2009	Leslie Cole	29053	3507
26975	7590	11/24/2010	EXAMINER	
MARIO D. THERIAULT 812 HWY. 101 NASONWORTH FREDERICTON, NB E3C 2B5 CANADA			ART UNIT	PAPER NUMBER
			2841	
			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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Alexandria, VA 22313-1450
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**MARIO D. THERIAULT
812 HWY. 101 NASONWORTH
FREDERICTON NB E3C 2B5 CA CANADA**

In re Application of

Leslie Cole

Application No.: 12/385,922

Filed: 24 April 2009

Attorney Docket No.: 29053

**For: ADJUSTABLE JIG AND
TRANSFER PUNCH TOOL**

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

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

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the CIPO, 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 CIPO, 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 CIPO, 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 CIPO application(s);
 - b. An English translation of the allowable/patentable claim(s) if not in English and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. a copy: the all office action(s) from of each of the CIPO application(s) containing the allowable/patentable claim(s)
 - b. An English language translation of the CIPO Office action if not in English
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the CIPO examiner in the CIPO office action(s) (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition 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.



Lee W. Young
TQAS
Technology Center 2800



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

January 27, 2012

HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

Re Application of
JANG, JAE EUN., ET AL.

Application: **12/385978**

Filed: **04/27/2009**

Attorney Docket No: **2557SI-001159/US**

**: 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) April 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/385,994	04/27/2009	Tomoaki Hirokawa	NE-71459US	3380
7590 12/16/2010 MGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER	
			ART UNIT	PAPER NUMBER
			2835	
			MAIL DATE	DELIVERY MODE
			12/16/2010	PAPER

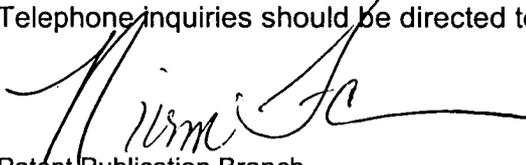
DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

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

Adjustment date: 12/16/2010 EXAMINER
12/16/2010
12/16/2010



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Commissioner for Patents
United States Patent and Trademark Office
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PITTS AND BRITTIAN PC
PO BOX 51295
KNOXVILLE TN 37950-1295

MAILED
OCT 18 2010
OFFICE OF PETITIONS

In re Application of Claude Roger Riley Jr. :
Application No. 12/386,009 : Decision on Petition
Filing Date: April 13, 2009 :
Attorney Docket No. 36039.00 :

This is a decision on the petition under 37 CFR 1.137(a), filed May 13, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration under 37 CFR 1.137(a) must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."

Facts

As of May 6, 2009, the address of record was:

Claude Roger Riley Jr.
121 Crowfield Road
Knoxville, TN 37922

The Office mailed a Notice to File Corrected Application Papers and a filing receipt to the address of record on May 6, 2009. The notice required the submission of corrected drawings. The notice set a period for reply of two (2) months from the mail date of the Notice. The Office did not receive a response to the notice or a request for an extension of time. As a result, the application became abandoned on July 7, 2009.

The Office mailed a Notice of Abandonment to the address of record on January 19, 2010.

The instant petition states the applicant never received the May 6, 2009 notice.

Discussion

A grantable petition under 37 CFR 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,
- (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and
- (4) A terminal disclaimer and fee *if* the application was filed on or before June 8, 1995 or *if* the application is a design application.

The instant petition lacks item (3). Specifically, the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

The petition states the failure to respond to the May 6, 2009 notice was unavoidable because the notice was never received.

A review of the record indicates no irregularity in the mailing of the May 6, 2009 notice. In the absence of any irregularity in the mailing of the Office action, there is a strong presumption an Office action or notice was properly mailed and delivered to the address of record. In order to overcome this presumption, a petition must establish the chance the correspondence was lost after receipt at the address of record is less than the chance the correspondence was lost prior to being delivered to the address of record.

The only evidence of non-receipt filed with the petition is an assertion by Applicant that the notice was never received. A mere assertion a paper was not received, without more, will not overcome the presumption that the notice was properly mailed and delivered.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc.

In view of the prior discussion, any request for reconsideration should fully discuss all actions that would have been taken *if* the Office action had been received. When possible, a copy of documentation demonstrating an action was not taken should be supplied.

Any request for reconsideration should ensure all the following matters are addressed.

- (1) Would the Office action have been placed in a specific location such as a file being kept for all matters involving the application? If yes, has petitioner searched the location/file to ensure the Notice is not present?

- (2) Upon receipt of the Office action, would a written entry have been made in one or more locations? For example, would an entry have been made on the outside of a file or on a calendar in order to ensure the due date for responding to the Office action would not be missed? A copy of any papers, such as the front of a file or a calendar, where the Office action would have been entered if the Office action had been received should be supplied to the Office.
- (3) Upon receipt of the Office action, would any electronic records have been made or altered? For example, would an entry have been made into a docketing system or electronic calendar in order to ensure the due date to respond to the Office action would not be missed? A copy of a print-out of all papers where the Office action would have been entered if the Office action had been received should be supplied to the Office.
- (4) Did petitioner reside at the correspondence address of record used by the Office when mailing the May 6, 2009 notice during the three months following May 6, 2009, the date the Office mailed the notice? If no, when did petitioner's address change?

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b).

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

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹ Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

Telephone inquiries regarding this communication should be directed to Petitions Attorney
Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. S. Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAR 25 2011

OFFICE OF PETITIONS

PITTS AND BRITTIAN PC
PO BOX 51295
KNOXVILLE TN 37950-1295

In re Application of Claude Roger Riley Jr. :
Application No. 12/386,009 : Decision on Petition
Filing Date: April 13, 2009 :
Attorney Docket No. 36039.00 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 17, 2010, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice to File Corrected Application Papers and a filing receipt to the address of record on May 6, 2009. The notice required the submission of corrected drawings. The notice set a period for reply of two (2) months from the mail date of the Notice. The Office did not receive a response to the notice or a request for an extension of time. As a result, the application became abandoned on July 7, 2009. The Office mailed a Notice of Abandonment to the address of record on January 19, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as (1) a reply to the May 6, 2009 notice was filed May 13, 2010, the petition fee of \$810 has been submitted, and the petition includes the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

The Office of Patent Application Processing ("OPAP") will be informed of the instant decision and OPAP will prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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Alexandria, VA 22313-1450
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MADHAVAN G. NAIR
7005 CHARLESTON OAKS DRIVE NORTH
P.O. BOX 16144
MOBILE, AL 36616

MAILED
FEB 21 2012
OFFICE OF PETITIONS

In re Application of	:	
Madhavan G. Nair	:	
Application No. 12/386,015	:	DECISION ON PETITION
Filed: April 13, 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 December 14, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from applicant 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 undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

The application is being referred back to the Technology Center for processing of the reply received December 14, 2011 to the outstanding Office action mailed October 5, 2011. This application will be accorded "special" status upon the mailing of this decision.

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



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Alexandria, VA 22313-1450
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**ELY B. ZBOROVSKY
6 SCHOOLHOUSE WAY
DIX HILLS NY 11746**

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of :
Cassels et al. :
Application No. 12/386,025 : **DECISION ON PETITION**
Filed: April 13, 2009 :
Attorney Docket No: 1125 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 26, 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 July 27, 2009. A Notice of Abandonment was mailed February 2, 2010.

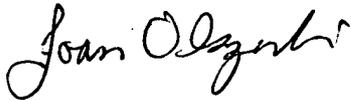
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the \$65.00 Surcharge fee, Replacement Drawings, the \$165.00 Basic filing fee, the \$270.00 Search fee, the \$110.00 Examination fee, and the \$182.00 Additional Claim fees; (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, petitioner's request for change of power of attorney and change of correspondence address is hereby not accepted since only one of the two inventors has submitted the request.

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 currently of record until such time as appropriate instructions are received to the contrary.

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

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

A handwritten signature in cursive script, reading "Joan Olszewski".

Joan Olszewski
Petition Examiner
Office of Petitions

cc: M Susan Spiering
4921 Williams Drive
Corpus Christi, TX 78411



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COMMISSIONER FOR PATENTS
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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED

APR 08 2011

In re Application of : DECISION ON
Khan et al : PCT LEGAL ADMINISTRATION
Application No.: 12/386,061 :
Filing Date: 09 April 2009 : PETITION UNDER
Attorney's Docket No.: 2183.03-6384.1 US :
For: METHOD AND USES FOR PROTEIN : 37 CFR §§1.78(a)(3)
BREAKDOWN PRODUCTS : and 1.55(c)

This is in response to applicants' communication "PETITION UNDER 37 C.F.R. 1.78(a)(3) FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED PRIORITY CLAIMS" filed 16 November 2010, which is also being treated as a petition under 37 CFR 1.55(c).

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 paragraph (a)(2) of this section 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)(2)(ii) of this section 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 satisfies items (2) and (3) but not item (1).

Regarding requirement (1), MPEP 201.11, Section C., (Benefit Claims to Multiple Prior Application), states in the relevant part, "The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of

prior applications. If an applicant desires, for example, the following benefit claim: “this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---,” then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No. B must have a reference to provisional Application No. A.” (**Emphasis added**)

In the present case, intermediate applications 10/821,240, 10/753,510 and 10/262,522 do not contain proper references to international applications PCT/NL01/00259 and PCT/NL02/00639. In particular, application 10/821,240 specifies an incorrect international filing date for international applications PCT/NL01/00259 and PCT/NL02/00639. In addition, 10/753,510 specifies an incorrect international filing date for international application PCT/NL01/00259 and fails to specify the international filing date for international application PCT/NL02/00639 as required by 37 CFR 1.78(a)(2)(i). Similarly, applicant 10/262,522 specifies an incorrect international filing date for international application PCT/NL01/00259.

Regarding requirement (2), the surcharge has been provided.

Regarding requirement (3), the proper statement has not been provided, “[t]he entire delay between the date the claim was due under 37 CFR §1.78(a)(2)(ii) and the date that claim was filed was unintentional.”

As to the benefit claim under 37 CFR 1.55(c):

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) 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.); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant petition fails to comply with item (2) above. The foreign priority information is not contained in an executed declaration or in ADS as required by 1.63(c)(2).

The unexecuted supplemental declaration includes foreign priority claims to international applications PCT/NL01/00259 and PCT/NL02/00639. However, since the international applications were filed more than one year prior to the applications from which the present application claim benefit under 35 U.S.C. 120, the present application cannot claim foreign priority to the international applications.

CONCLUSION

For the reason above, the petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

For the reasons above, the petition under 37 CFR 1.55(c) is **DISMISSED**.

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

Any inquiries concerning this decision may directed to Rafael Bacares at (571) 272-3276. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center Art Unit 1657.

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



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



Bryan Lin
Legal Examiner
PCT Legal Administrative Office



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.
12/386,066	04/14/2009	Thomas Moritz	VMO-40002	9157
66919	7590	07/18/2011	EXAMINER	
Thomas R. Vigil Law Offices 319 Bluff Court Barrington, IL 60010			HAWN, PATRICK	
			ART UNIT	PAPER NUMBER
			3637	
			MAIL DATE	DELIVERY MODE
			07/18/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 18 2011

Thomas R. Vigil Law Offices
319 Bluff Court
Barrington IL 60010

In re Application of : DECISION ON PETITION
Thomas Moritz et al. : TO WITHDRAW FINALITY
Application No. 12/386,066 : OF OFFICE ACTION
Filed: April 14, 2009 : UNDER 37 CFR 1.181
For: COMBINATION LOCKER AND LOCKER :
SHELF ASSEMBLY AND METHOD AND :
KIT FOR ASSEMBLING THE COMBINATION :
LOCKER AND LOCKER SHELF ASSEMBLY :

This is a decision on applicants' petition under 37 CFR 1.181, filed March 14, 2011, to withdraw the finality of the final Office action mailed February 25, 2011.

The petition is **DENIED**.

A review of the file reveals that a non-final Office action mailed on October 4, 2010 included a drawing objection, a claim objection, a 112 second paragraph rejection, a 102(b) rejection on claim 1 by Mitchell et al (US Patent 3,326,149), and two different 103(a) rejections on claim 2-12 by various combination of art. Applicants filed a response on December 22, 2010 to amend claims 1-12 as well as the specification to overcome the rejections. Subsequently, a final Office action was issued on February 25, 2011 in which the examiner made an objection on claim 5, a 112 second paragraph rejection on claims 1-4 and 9-12, and a 103(a) rejection on claims 1-12 over Mitchell et al (US Patent 3,326,149) in view of Crabtree (US2008/0042532) and Kurtis (US Patent 5,746,331).

Applicants allege that the finality of the Office action mailed on February 25, 2011 was premature because the newly cited reference to Crabtree (US 2008/0042532) is first being applied against the claims in the present action such that applicant did not have an earlier opportunity to consider this reference before a final rejection. Applicant contends that the finality of the action should be removed to enable applicant to consider the Crabtree reference for the first time prior to a final rejection.

37 CFR 706.07(a) which states that "under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)".

A review of the amendment filed on December 22, 2010 showed that claims 1-12 were amended to claim the combination locker and locker shelf assembly kit: Independent claim 1 was amended to include the language "for assembling a combination locker and locker shelf assembly comprising a

locker including a bottom wall, a back wall, and opposed side walls, and said shelf assembly". Independent claim 5 was amended to include "*combination ... and locker*" in the first line. Independent claim 9 was amended to include "*combination locker and*" in the first two lines. The preamble of dependent claims 2-4, 6-8, and 10-12 were amended to recite "*a combination locker and locker shelf assembly*" or "*a combined locker and locker shelf assembly*". The added language in claims 1-12 changes the scope of the claims to a combination of locker and locker shelf assembly; whereas the originally filed claims 1-12 were directed to a locker shelf assembly kit. The added language renders the scope of the amended claims 1-12 distinct from the originally filed claims.

In light of 37 CFR 706.07(a) cited above, the finality of the Office action mailed on February 25, 2011 was proper due to the fact that the amendment filed on December 22, 2010 necessitated a new ground of rejection.

Any questions or comments with respect to the decision should be forwarded to Quality Assurance Specialist Lanna Mai at (571) 272-6867.


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

lm: 6/28/11

LM



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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/386,087 04/13/2009 Tina T. Salguero 63013/H611 2781

7590 01/25/2012
CHRISTIE, PARKER & HALE, LLP
PO BOX 29001
Glendale, CA 91209-9001

EXAMINER

SMITH, JEREMIAH R

ART UNIT PAPER NUMBER

1744

MAIL DATE DELIVERY MODE

01/25/2012

PAPER

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 25, 2012

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

In re Application of :
Tina T. Salguero et al. : **DECISION ON PETITION**
Application No. 12386087 :
Filed: 4/13/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 63013/H611 : **DRAWINGS**

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

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

POLSINELLI SHUGHART PC
700 West 47th Street
Suite 1000
KANSAS CITY MO 64112

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application of :
Pavlovskaja et al. :
Application No. 12/386,105 : **ON PETITION**
Filed: 04/14/2009 :
Attorney Docket Number: 190124/US/2 :

This is a decision on the "PETITION TO ACCEPT COLOR DRAWINGS OR PHOTOGRAPHS UNDER 37 C.F.R. § 1.84(a)(2) and § 1.84(b)(2)," received in the United States Patent and Trademark Office (USPTO) on April 14, 2009, which is treated as a petition under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The 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.

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

Petitioners state that the need for color drawings or photographs in this application is that aspects of the invention, including but not limited to hue, contrast, saturation, brightness, and regions of bone osteophytes are well illustrated with color drawings.

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented.

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

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

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Technology Center Art Unit 2862.

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


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Carl L. Johnson
Jacobson and Johnson
Suite 285
One West Water Street
St. Paul MN 55107-2080

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of :
King et al. :
Application No. 12/386,109 : **DECISION ON PETITION**
Filed: April 14, 2009 :
Attorney Docket No. 6402 :

This is a decision on the petition, filed January 12, 2012, which is being treated as a petition under 37 CFR 1.181, requesting withdrawal of the holding of abandonment in the above-identified application.

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

This application was held abandoned for failure to timely respond to the restriction requirement of June 27, 2011, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before July 27, 2011.

Petitioner states that a timely reply was filed on July 7, 2011. Petitioner has submitted a copy of the previously mailed correspondence and a copy of a stamped postcard receipt dated July 11, 2011. Petitioner acknowledges that the incorrect application number was included on the response.

The response submitted July 11, 2011 has been located. It should however be noted that petitioner included the incorrect application number on the reply. The reply did contain the correct art unit, filing date, applicant and title of invention.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing application 12/386,709 rather than the correct application No. 13/386,109. The Office elects, in this instance, to treat applicant's listing of a typographical error in providing the correct application number, as a correctable minor error as permitted under MPEP 502. ***However, applicant is reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.***

It should however be noted that the inclusion of the incorrect application number is not unavoidable.

Based on the facts stated in the instant petition and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

This application is being referred to art unit 1778 for further processing in the normal course of business on the reply received on July 11, 2011.

/Charlema Grant/
Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thomas James Sheridan
5229 1/2 Claremont Ave
Oakland, CA 94618

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of Thomas Sheridan :
Application No. 12/386,159 : Decision on Petition
Filing Date: April 14, 2009 :
For: Rainstopper & the Sunroof Shield – :
Temporary Solution for Leaking :
Vehicle Sunroof¹ :

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 2010, to revive the above-identified application.

The petition is **granted**.

The Office mailed a Notice to File Corrected Application Papers on June 16, 2009. The notice required the submission of replacement drawings, a substitute specification, and a statement the substitute specification did contain any new matter. The notice set a period for reply of two months.

A request and payment for a one-month extension of time were filed August 14, 2009.

A reply and payment for a two-month extension of time were filed October 16, 2009. The reply included replacement drawings and a substitute specification. The reply did not include a statement the substitute specification did contain any new matter.

The Office mailed a Notice of Incomplete Reply on October 28, 2009, stating the prior reply was incomplete because it did not include a statement the substitute specification did contain any new matter.

A new reply was filed on January 15, 2010. The reply included a statement the substitute specification did contain any new matter. The reply included a request for a five-month extension of time and payment of \$830 for the extension of time. However, the fee required for the five-month extension of time was \$930. Therefore, the reply was untimely.

In view of the prior discussion, the application became abandoned on October 17, 2009.

¹ The titles listed in the original specification, the declaration, and the application data sheet are not identical. The title listed above is the title listed on the application data sheet.

The Office mailed a Notice of Abandonment on February 16, 2010.

The instant petition was filed February 26, 2010, and requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

As to item (1), a reply in the form of a statement the substitute specification did not contain any new matter was filed January 15, 2010.

As to item (2), the extension of time payment paid January 15, 2010, has been applied towards the petition fee as requested by petitioner.

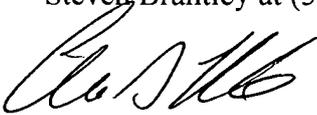
As to item (3), the petition states the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

As to item (4), a terminal disclaimer is unnecessary in this case.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Patent Application Processing will be informed of the instant decision and will prepare the application for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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.
12/386,160	04/14/2009	Kenta Hoki	4041P-000131/US	2370
27572	7590	09/08/2011	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			WINDER, PATRICE L	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			2452	
			MAIL DATE	DELIVERY MODE
			09/08/2011	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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SEP 06 2011
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

In re Application of: HOKI, KENTA
Application No.: 12/386,160
Filed: April 14, 2009
Attorney Docket No.: 4041P-000131/US
For: IMAGE PROCESSING DEVICE FOR
VEHICLE, IMAGE PROCESSING
METHOD OF DETECTING THREE-
DIMENSIONAL OBJECT, AND IMAGE
PROCESSING PROGRAM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 9, 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) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and Applicant must submit a claim correspondence table in English.
- (4) Examination of the U.S. application has not begun.
- (5) Applicant must submit: (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the 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).
- (7) The required petition fee under 37 CFR 1.17(h) if the petition was filed before May 25, 2010.

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 Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

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

Application SN 12/386,160
Decision on Petition

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
WQAS, Technology Center 2400



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NAVAL UNDERSEA WARFARE CENTER
DIVISION NEWPORT
1176 HOWELL STREET
CODE 000C
NEWPORT RI 02841

In re Application of
ANSAY, MICHAEL T. et al. : **AUG 30 2011**
Application No.: 12/386,185 : DECISION ON
Filing or 371(c) Date: March 27, 2009 : PETITION
Attorney Docket Number: 85027 :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on July 5, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed February 1, 2011. The Notice of Abandonment was mailed May 17, 2011.

The Office acknowledges receipt of Part B – Fee(s) Transmittal on February 10, 2011, as evidenced by the "Office Date" stamp thereon. However, without the inclusion of the Deposit Account Number on the form there was no authorization to charge the required fees.

As an additional aid to applicants, the rule as proposed has been amended to include §§ 1.311(b)(1) and (b)(2) that can act as safety mechanisms. Where it is clear that an applicant actually intends to pay the issue fee and publication fee (if required) such as by submitting an incorrect issue fee or publication fee, or a fee transmittal form (or letter) for payment of the fees, a request to charge the correct issue fee or any publication fee due to any deposit account identified in a previously filed authorization to charge **such** fees, will be allowed to act a payment of the correct issue fee.

Petitioner should review the amended rules pertaining to general authorization to pay fees. See 65 FR 54647 September 8, 2000, revised 69 FR 56481 September 21, 2004, effective September 21, 2004. Unfortunately, the application file does not reveal a previously filed authorization to charge **such** fee(s) or specifically the issue fee.

In light of the non-compliance with 37CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application
Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

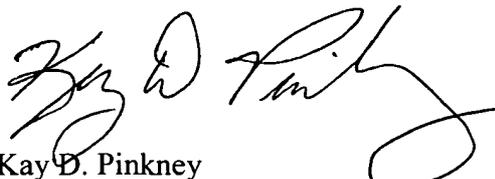
Further inquiries with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 Office of Petitions
 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 concerning this matter should be directed to the undersigned at (703) 756-1547.



Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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NAVAL UNDERSEA WARFARE CENTER
DIVISION NEWPORT
1176 HOWELL STREET
CODE 000C
NEWPORT RI 02841

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NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Michael T. ANSAY et al. : ON PETITION
Application No. 12/386,185 :
Filed: March 27, 2009 :
Atty. Docket No.: 85027 :

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

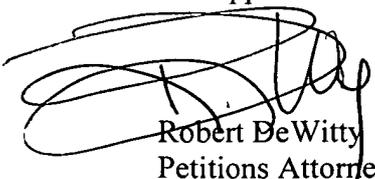
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed February 1, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned May 3, 2011. A Notice of Abandonment was mailed May 17, 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 of Allowance and Fee(s) Due, (2) a petition fee of \$1860, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

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

The application will be referred to Office of Data Management for further processing.


Robert DeWitty
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450

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SEP 07 2011

OFFICE OF PETITIONS

Sam R. McCoy Jr.
P.O. Box 2108
Mount Pleasant SC 29465

In re Application of :
Todd LAYT : ON PETITION
Application No. 12/386,193 :
Filed: April 16, 2009 :

This is in response to the petition under 37 CFR 1.137(b), filed May 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply to the non-final Office action mailed July 8, 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. The application became abandoned October 9, 2010. A Notice of Abandonment was mailed February 1, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the non-final Office action mailed July 8, 2010, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center Art Unit 1661 for consideration of the filed Response.


for Anthony Knight
Director
Office of Petitions

cc: Todd Layt
Richmond NSW 5327 Australia



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.
12/386,199	04/14/2009	Abyn A. Poonawala	SNPS-1154	6757

7590 05/26/2011
PVF -- SYNOPSIS, INC
c/o PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

EXAMINER

LEE, ERIC D

ART UNIT	PAPER NUMBER
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2825

MAIL DATE	DELIVERY MODE
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05/26/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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May 26, 2011

PVF -- SYNOPSIS, INC
c/o PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

Re Application of
POONAWALA, AMYN A., ET AL. : **DECISION ON PETITION**
Application: **12/386199** : **ACCEPTANCE OF COLOR**
Filed: **04/14/2009** : **DRAWINGS**
Attorney Docket No: **SNPS-1154** :

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) April 14, 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



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HOLLSTEIN KEATING CATTTELL JOHNSON & GOLDSTEIN P.C
WILLOW RIDGE EXECUTIVE OFFICE PARK
750 ROUTE 73 SOUTH, SUITE 301
MARLTON, NJ 08053

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of :
Peter S. Vosbikian :
Application No. 12/386,205 :
Filed: April 15, 2009 :
Attorney Docket No. 2262.00013 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 1, 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's attorney that he is over 65 years of age and a Declaration from applicant that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3643 for action on the merits commensurate with this decision.

Alicia Kelley
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/386,222	04/14/2009	Gregory I. Frost	33320.03066.US03/3066	8290
13565	7590	06/30/2011	EXAMINER	
McKenna Long & Aldridge LLP			KOSSON, ROSANNE	
4435 Eastgate Mall			ART UNIT	PAPER NUMBER
Suite 400			1652	
San Diego, CA 92121			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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TRADEMARK OFFICE

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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.: 12/386,222
Filed: February 20, 2009
Attorney Docket No: **33320.03051.US12/
3051B**

:
:
: PETITION DECISION
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This is in response to the petition filed on June 14, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on May 1, 2009; September 18, 2009; June 8, 2010; September 22, 2010; January 28, 2011 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 May 1, 2009; September 18, 2009; June 8, 2010; September 22, 2010; January 28, 2011. 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 May 1, 2009; September 18, 2009; June 8, 2010; September 22, 2010; January 28, 2011 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" (May 1, 2009, "Transmittal Letter" of 7 pages; September 18, 2009, "Transmittal Letter" of 6 pages; June 8, 2010, "Transmittal Letter" of 4 pages; September 22, 2010, "Transmittal Letter" of 2 pages; and January 28, 2011, "Transmittal Letter" of 4 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 1, 2009; September 18, 2009; June 8, 2010; September 22, 2010; January 28, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

LOREAL
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield NJ 07090

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of :
Sheldon R. Pinnell, et al. :
Application No. 12/386,224 : **DECISION ON PETITION**
Filed: April 15, 2009 :
Attorney Docket No. LOREAL 3.0-145 CONT :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 15, 2010, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 16, 2010. The Notice of Abandonment was mailed October 1, 2010.

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

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

This application is being referred to Technology Center AU 1628 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

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12386247	
Filing Date	14-Apr-2009	
First Named Inventor	Clarence Ryan	
Art Unit	1638	
Examiner Name	MEDINA IBRAHIM	
Attorney Docket Number	606802000300	
Title	Plant defense signal peptides	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		20872
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Washington State University Research Foundation	
Address	1610 NE Eastgate Boulevard	
City	Pullman	
State	WA	
Postal Code	99163	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michael R. Ward/
Name	Michael R. Ward
Registration Number	38651



UNITED STATES 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 11,2011

In re Application of :

Clarence Ryan

Application No : 12386247

Filed : 14-Apr-2009

Attorney Docket No : 606802000300

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 11,2011

The request is **APPROVED**.

The request was signed by Michael R. Ward (registration no. 38651) on behalf of all attorneys/agents associated with Customer Number 20872 . All attorneys/agents associated with Customer Number 20872 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 Washington State University Research Foundation
Name2
Address 1 1610 NE Eastgate Boulevard
Address 2
City Pullman
State WA
Postal Code 99163
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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/386,249	04/14/2009	Gregory I. Frost	33320.03062.US02/ 3062	4586

13565 7590 06/27/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER

KIM. ALEXANDER D

ART UNIT PAPER NUMBER

1656

MAIL DATE DELIVERY MODE

06/27/2011

PAPER

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

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



UNITED STATES PATENT AND
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JUN 27 2011

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

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Frost et al.
Serial No.: 12/386,249
Filed: April 14, 2009
Attorney Docket No: **33320.03062.US02/
3062**

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: PETITION DECISION
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This is in response to the petition filed on June 14, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on July 28, 2009; and November 30, 2009 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 July 28, 2009; and November 30, 2009. 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 July 28, 2009; and November 30, 2009 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" (July 28, 2009, "Transmittal Letter" of 2 pages; and November 30, 2009, "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 July 28, 2009; and November 30, 2009.

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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P.O. Box 1450
Alexandria, VA 22313-1450
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BRUCE L. ADAMS
ADAMS & WILKS
SUITE 1231
17 BATTERY PLACE
NEW YORK, NY 10004

MAILED

MAR 03 2011

In re Application of : **OFFICE OF PETITIONS**
Hirofumi Kawashima :
Application No. 12/386,292 : **DECISION ON PETITION**
Filed: April 16, 2009 :
Attorney Docket No. S002-4974(CON1) :

This is a decision on the petition, filed January 31, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Allowance of August 30, 2010, which set a three (3) month period for reply. Accordingly, a reply was due on or before November 30, 2010.

Office record show a timely reply was deposited with the United States Postal Service on November 30, 2010 (certificate of mailing), which bears an incorrect application number; i.e. 11/386,292 rather than 12/386,292. This reply includes the Request for Continued Examination (RCE) and the amendment. Petitioner has submitted a copy of the previously mailed correspondence.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Allowance of August 30, 2010 is hereby withdrawn and the application restored to pending status.

Telephone inquires concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

YANKWICH & ASSOCIATES, P.C.
(AND ABBOTT BIORESEARCH CENTER)
201 BROADWAY
CAMBRIDGE MA 02139

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of :
Robert V. Talanian :
Application No. 12/386,332 : DECISION ON PETITION
Filed: April 16, 2009 :
Attorney Docket No. **8793.US.01.** :
(ABT-108.0 US

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 1, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 30, 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 October 31, 2010.

The petition is **GRANTED**.

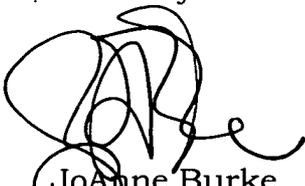
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

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 JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 1631 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', written in a cursive style.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF MICHAEL M. AHMADSHAHI
600 ANTON BLVD.
STE. 1100
COSTA MESA, CA 92626

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of :
James Becker :
Application No. 12/386,409 :
Filed: April 16, 2009 :
Attorney Docket No.: 1001088CEN :

ON PETITION

This is a decision on the petition, filed October 15, 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 not signed by a registered patent attorney or patent agent of record; however, in accordance with 37 CFR 1.34, the signature of Mr. Michael M. Ahmadshahi appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely pay the issue and publication fees on or before September 17, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed June 17, 2010. A Notice of Abandonment was mailed on October 4, 2010.

Petitioner states that a search of the file jacket and docket records indicates that the Notice of Allowance of June 17, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice on June 17, 2010, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received.

The showing required to establish non-receipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar, reminder system, or the individual docket record for the application in question.

The instant petition does not establish non-receipt of the Notice in compliance with the procedures set for at MPEP 711.03(c). Specifically, while petitioner explains how each correspondence is entered into a calendar docketing system, the petition fails to include a master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action.

Absent the required evidence to establish non-receipt of the Notice of June 17, 2010, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

By Internet: EFS-Web¹

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


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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

POLLACK, P.C.
THE CHRYSLER BUILDING
132 EAST 43RD STREET, SUITE 760
NEW YORK NY 10017

In re Application of
BAGLINI, CLAUDIO et al.
Application No. 12/386,443
Filed: April 18, 2009
Attorney Docket No.: 1014.1111

JAN 05 2012

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment received in the United States Patent and Trademark Office (USPTO) on December 27, 2011.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due, mailed August 3, 2011, which set forth a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on November 17, 2011.

Petitioner states that the responded by filing a RCE on November 18, 2011.

The petitioner has demonstrated that the RCE was timely with Certificate of Mailing date of November 3, 2011 and is in compliance with 37 CFR 1.10 in that

- (1) the Patent and Trademark Office was promptly informed of the previous timely mailing,
- (2) included a statement which attests to the previous timely mailing.
- (3) A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status. The application will be forwarded to the Technology Center.

Telephone inquires concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/386,473	04/16/2009	Louis H. Bookbinder	33320.03051.US24/ 3051D	7427
13565	7590	06/09/2011	EXAMINER	
McKenna Long & Aldridge LLP			KOSSON, ROSANNE	
4435 Eastgate Mall			ART UNIT	PAPER NUMBER
Suite 400			1652	
San Diego, CA 92121			MAIL DATE	DELIVERY MODE
			06/09/2011	PAPER

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

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



UNITED STATES PATENT AND
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JUN 09 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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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.: 12/386,473
Filed: April 16, 2009
Attorney Docket No: **33320.03051.US24/
3051D**

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: PETITION DECISION
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:
:

This is in response to the petition filed on June 1, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on 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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FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
JAN 27 2012
OFFICE OF PETITIONS

In re Application	: DECISION ON APPLICATION
Jia, et al.	: FOR PATENT TERM ADJUSTMENT
Application No. 12/386,525	: AND NOTICE OF INTENT
Filed: April 16, 2009	: TO ISSUE
Atty Docket No. 022104-003110US	: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(d)", filed January 20, 2011. Applicants request that the determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from ninety-one (91) days to ninety-three (93) days.

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

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **ninety-three (93)** days.

On November 22, 2011, the above-identified application matured into U.S. Patent No. 8,063,058 with a patent term adjustment of ninety-one (91) days. The Office determined a patent term adjustment of ninety-one (91) days based upon one hundred eleven (111) days of Office delay under 37 CFR 1.703(a)(1), reduced by two (2) days of Applicant delay under 37 CFR 1.704(b), and eighteen (18) days of Applicant delay under 37 CFR 1.704(c)(10). The adjustment of two (2) days is at issue.

Patentees timely filed the instant application for patent term adjustment under 37 CFR 1.705(d) on January 20, 2012. Patentees assert that they should not have been assessed applicant delay of two (2) for the filing of the issue fee on September 12, 2011, in reply to a Notice of Allowance mailed on June 10, 2011. Patentees argue that September 12, 2011 was the first business day in which a reply could have been timely filed under 37 CFR 1.7(a), and therefore, zero (0) days of Applicant delay should have been assessed under 37 CFR 1.704(b). Patentees' argument has been considered, and found to be persuasive.

In view thereof, the correct patent term adjustment is ninety-three (93) days (111 days of Office delay, reduced by 18 days of Applicant delay).

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **ninety-three (93)** days subject to any disclaimers.

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 : 8,063,058 B2

DATED : November 22, 2011

INVENTOR(S) : Jia, 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 91 days.

Delete the phrase "by 91 days" and insert -- by 93 days--

Application/Control Number: 12/386,545
Art Unit: 2885

Page 2

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01-14-11

TO SPE OF : ART UNIT 2885

SUBJECT : Request for Certificate of Correction for Appl. No.: 12386545 Patent No.: 8061868

CofC mailroom date: 12-14-11

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

FOR IFW FILES:

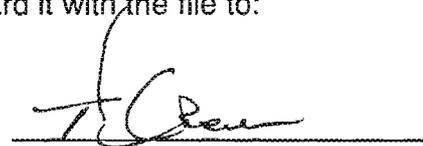
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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

FOR PAPER FILES:

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

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



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____

SPE



Art Unit

2885



UNITED STATES PATENT AND TRADEMARK 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.
12/386,550	04/20/2009	Courtney Houchen	5864.075	6334
7590 01/26/2011 DUNLAP CODDING, P.C. PO BOX 16370 OKLAHOMA CITY, OK 73113			EXAMINER GIBBS, TERRA C	
			ART UNIT 1635	PAPER NUMBER
			MAIL DATE 01/26/2011	DELIVERY MODE PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 25, 2011

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

In re Application of : **DECISION ON PETITION**
Houchen, Courtney, et al,
Application No: **12/386,550** : **ACCEPTANCE OF COLOR**
Filed: **04/20/2009** : **DRAWINGS**
Attorney Docket: **5864.075** :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 20, 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

DALE H EMERSON
7673 DERBY LANE
COTATI CA 94931-9703

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of :
Dale H. Emerson :
Application No. 12/386,562 : ON PETITION
Filed: April 20, 2009 :
Title: Urinal Module Added to a :
Toilet :

This is a decision on the petition to revive under
37 CFR 1.137(b), filed March 14, 2011.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is due on renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice of Non-Compliant Amendment, mailed August 19, 2010. This Notice set an extendable period for reply of one month. The reason the Notice was mailed was because applicant's previous reply filed on August 18, 2010 lacked a signature. No reply to the Notice having been received, the application became abandoned on September 20, 2010. The Office mailed a Notice of Abandonment on March 25, 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).

The instant petition lacks requirement (1) above.

Applicant has not submitted a reply to the August 19, 2010 Notice of Non-Compliant Amendment. A copy is enclosed for petitioner.

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: copy of Notice of Non-Compliant Amendment (3 pages)



UNITED STATES PATENT AND TRADEMARK OFFICE

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

e 08/19/2010

DALE H. EMERSON
7673 DERBY LANE
COTATI, CA 94931-9703

Paper No.

Application No.: 12/386,562 	Date Mailed: 08/19/2010
First Named Inventor: Emerson, Dale, H.	Examiner: PHILLIPS, CHARLES E
Attorney Docket No.:	Art Unit: 3751
Confirmation No.: 7803	Filing Date: 04/20/2009

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

Commissioner for Patents

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 12/386,562	Applicant(s) EMERSON, DALE H.	
		Art Unit 3700	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 18 August, 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: See Continuation Sheet.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /MERILYN WATTS/

Telephone No: (571)272-4398

Continuation of 4. Other: When an unsigned or improperly signed amendment is received the amendment will be listed in the contents of the application file, but not entered. The examiner will notify applicant of the status of the application, advising him or her to furnish a duplicate amendment properly signed or to ratify the amendment already filed. In an application not under final rejection, applicant should be given a 1-month time period in which to ratify the previously filed amendment (37 CFR 1.135(c)). Submission of a paper with your signature will constitute ratification of the amendment.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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DALE H EMERSON
7673 DERBY LANE
COTATI CA 94931-9703

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of :
Dale H. Emerson :
Application No. 12/386,562 : ON PETITION
Filed: April 20, 2009 :
Title: Urinal Module Added to a :
Toilet :

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed May 6, 2011.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is due on renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice of Non-Compliant Amendment, mailed August 19, 2010. This Notice set an extendable period for reply of one month. The reason the Notice was mailed was because applicant's previous reply filed on August 18, 2010 lacked a signature. No reply to the Notice having been received, the application became abandoned on September 20, 2010. The Office mailed a Notice of Abandonment on March 25, 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).

The instant petition lacks requirement (1) above.

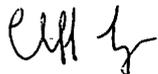
Applicant has not submitted a reply to the August 19, 2010 Notice of Non-Compliant Amendment. In other words, petitioner should resubmit a copy of his August 18, 2010 response, ensuring that it contains a signature.

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 27 2011

OFFICE OF PETITIONS

DALE H EMERSON
7673 DERBY LANE
COTATI CA 94931-9703

In re Application of :
Dale H. Emerson :
Application No. 12/386,562 : ON PETITION
Filed: April 20, 2009 :
Title: Urinal Module Added to a :
Toilet :

This is a decision on the letter filed June 6, 2011, which is being treated as a renewed petition to revive under 37 CFR 1.137(b).

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

The above-identified application became abandoned for failure to timely file a reply in response to the Notice of Non-Compliant Amendment, mailed August 19, 2010. This Notice set an extendable period for reply of one month. The reason the Notice was mailed was because applicant's previous reply filed on August 18, 2010 lacked a signature. No reply to the Notice having been received, the application became abandoned on September 20, 2010. The Office mailed a Notice of Abandonment on March 25, 2011. Applicant filed a petition to revive under 37 CFR 1.137(b) on April 12, 2011. However, the petition was dismissed in a decision mailed on April 25, 2011. Applicant filed another petition under 37 CFR 1.137(b) on May 13, 2011. However, this petition was dismissed in a decision mailed on May 18, 2011. The petition was dismissed because applicant had not submitted a reply to the August 19, 2010 Notice of Non-Compliant Amendment.

With the instant petition, applicant has submitted a signed paper, requesting that his previously filed August 18, 2010 response, which lacked a signature, be "ratified".

The other requirements for a grantable petition under 37 CFR 1.137(b) have been previously satisfied.

The application is being forwarded to Group Art Unit 3751 for consideration of the reply filed August 18, 2010, which has been ratified by the letter filed June 6, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of :
Zimmer et al. :
Application No.: 12/386571 : DECISION ON
Filing or 371(c) Date: 04/20/2009 : PETITION
Attorney Docket Number: ZN 115 :

This is a decision in response to the Petition to Withdraw Notice of Abandonment, filed April 12, 2010. 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.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed July 28, 2009. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on September 29, 2009. A Notice of Abandonment was mailed March 30, 2010.

Applicant files the present petition and provides that Applicant responded to the Notice in a response dated July 31, 2009. Applicant notes, however, that the response letter was incorrectly identified as application no. 12/456040. Nevertheless, Applicant provides, the copy of the correct informality letter was attached to the response. The reply, \$110.00, was also charged to Applicant's deposit account by this Office on August 3, 2009.

The applicable Rule, 37 CFR 1.5 requires applicant to identify the application number. The MPEP provides that the Office excuses minor errors in the identification of the application which can be corrected by the Office provided the correct identification can be quickly discovered. "Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number. The failure to give any application number is not a minor error. The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given." MPEP 502.

Analysis and conclusion

Applicant has failed to demonstrate compliance with 37 CFR 1.5 in filing the reply to the Notice. Applicant has also failed to demonstrate that the error in correctly identifying the application papers was a minor error. The petition is properly dismissed.

Applicant is again urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in 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).

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

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

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

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

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

/DW/

Derek 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

KLAUS J. BACH & ASSOCIATES
PATENTS AND TRADEMARKS
4407 TWIN OAKS DRIVE
MURRYSVILLE PA 15668

MAILED
DEC 21 2010
OFFICE OF PETITIONS

In re Application of :
Zimmer et al. :
Application No.: 12/386571 : **DECISION ON**
Filing or 371(c) Date: 04/20/2009 : **PETITION**
Attorney Docket Number: ZN 115 :

This is a decision in response to the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b), filed September 7, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed July 28, 2009. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on September 29, 2009. A Notice of Abandonment was mailed March 30, 2010.

Applicant filed a petition to withdraw the holding of abandonment on April 12, 2010, and provided that Applicant responded to the Notice in a response dated July 31, 2009. Applicant noted, however, that the response letter was incorrectly identified as application no. 12/456040.

The petition was dismissed in a Decision mailed August 30, 2010, for failing to meet the requirements of a grantable petition under 37 CFR 1.181(a).

Applicant files the present petition. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply (previously filed in application no. 12/456040 on July 31, 2009); (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

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

/DW/

Derek Woods
Attorney
Office of Petitions

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

BORNMAN TRACY L.

HOVEY WILLIAMS LLP 10801 MASTIN BLVD. SUITE
1000 84 CORPORATE WOODS OVERLAND PARK KS
66210 USA

PCT

RECEIVED
DEC 04 2009

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 NOVEMBER 2009 (30.11.2009)

Applicant's or agent's file reference

39364-PCT

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.

PCT/US2009/041282

International filing date
(day/month/year)

21 APRIL 2009 (21.04.2009)

Applicant

BREWER SCIENCE 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 the notes on the accompanying sheet.

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 the applicant's 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

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 as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

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. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

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 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/KR



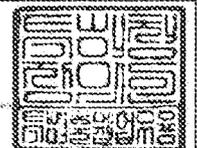
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro,
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

DEC 04 2009

COMMISSIONER ENTERED BY VMW



Telephone No. 82-42-481-5281

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, paragraph 296).

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b));

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the proceduer before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion 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 (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

* 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 : **2A086IBG**

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

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
BORNMAN TRACY L.

HOVEY WILLIAMS LLP 10801 MASTIN BLVD. SUITE
1000 84 CORPORATE WOODS OVERLAND PARK KS
66210 USA

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **30 NOVEMBER 2009 (30.11.2009)**

Applicant's or agent's file reference
39364-PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No. PCT/US2009/041282	International filing date (day/month/year) 21 APRIL 2009 (21.04.2009)	Priority date(day/month/year) 23 APRIL 2008 (23.04.2008)
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International Patent Classification (IPC) or both national classification and IPC

G03F 7/20(2006.01)i

Applicant

BREWER SCIENCE INC. et al

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

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

2. **FURTHER ACTION**

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



Date of completion of this opinion
30 NOVEMBER 2009 (30.11.2009)

Authorized officer

LEE, Young Jae

Telephone No.82-42-481-8305



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/041282

Box No. I Basis of this opinion

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

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/041282

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	1-26	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-26	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims	None	NO

2. Citations and explanations :

A. Reference is made to the following documents:

D1: US 7018748 B1, (Infineon Technologies AG), 28 Mar. 2006 (28.03.2006)

D2: US 2008/0073754 A1, (Rohm and Hass Electronic Materials LLC), 27 Mar. 2008 (27.03.2008)

D3: US 2004/0185674 A1, (Applied Materials, Inc.), 23 Sep. 2004 (23.09.2004)

B. Reasoned statement with regard to novelty and inventive step:

The prior art document D1 discloses an initiator layer that contains an initiator component applied to a substrate in a process for producing hard masks. Then, a curable hard mask material is applied and selectively cured after a photoresist is used to produce a pattern on the initiator layer, in the trenches of which pattern the initiator layer is uncovered. The pattern obtained in this way can then be transferred to the substrate.

D2 discloses underlying coating compositions provided one or more resins comprising one or more modified imide groups. These coating compositions are particularly useful as antireflective layers for an overcoated photoresist layer.

D3 discloses a layer of nitrogen-free oxide material is formed as a hard mask to minimize resist poisoning during patterning of low K dielectric layers. In one embodiment, the oxide hard mask material has the formula Si_wO_x , where w and x represent the atomic percentage of silicon and oxygen, respectively, in the material and where w is about 1 and x is about 2.

(cont'd on the next page.)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/041282

Supplemental Box

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

Continuation of:

Box No. V

The subject matters of claim 1 disclose a method of forming a microelectronic structure comprising providing a substrate, forming one or more intermediate layers, applying a hardmask composition, baking said hardmask layer and contacting said hardmask layer; the subject matters of claim 11 disclose a composition useful for forming microelectric devices comprising a non-polymeric nanoparticle dissolved in a solvent system and the composition is developer soluble; and the subject matters of claim 20 disclose a microelectronic structure comprising a substrate with a surface, one or more intermediate layer on said substrate surface and a hardmask layer adjacent said intermediate layers.

The subject matters of claims 1, 11 and 20 differ from there prior art document in that the composition of the compound is not polymer but a developer soluble composition containing nanostructure particles (claims 1, 11 and 20) as well as avoiding an etching process for patterning. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claims 1, 11 and 20 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-10, 12-19 and 21-26 are dependent claims of claims 1, 11 and 20, respectively, and therefore meet the requirements of PCT Article 33(2) and (3).

C. Reasoned statement with regard to industrial applicability:

Claims 1-26 meet the criteria set out in PCT Article 33(4), because all the claims are considered to be industrially applicable.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 39364-PCT	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2009/041282	International filing date (<i>day/month/year</i>) 21 APRIL 2009 (21.04.2009)	(Earliest) Priority Date (<i>day/month/year</i>) 23 APRIL 2008 (23.04.2008)
Applicant BREWER SCIENCE 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 43.6bis(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. _____

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/US2009/041282

A. CLASSIFICATION OF SUBJECT MATTER		
<i>G03F 7/20(2006.01)i</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) IPC G03F 7/20		
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 since 1975 Japanese Utility models and applications for Utility models since 1975		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) KOMPASS (KIPO Internal) "hardmask" "nanoparticle" "substrate" "developer" "crosslinker"		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 7018748 B1, (Infineon Technologies AG), 28 Mar. 2006 (28.03.2006) see columns 9 to 10 and claims 1 to 3	1-26
A	US 2008/0073754 A1, (Rohm and Hass Electronic Materials LLC), 27 Mar. 2008 (27.03.2008) see sections [0107] to [00112]	1-26
A	US 2004/0185674 A1, (Applied Materials, Inc.), 23 Sep. 2004 (23.09.2004) see claims 1 to 5	1-26
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input checked="" type="checkbox"/> 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 30 NOVEMBER 2009 (30.11.2009)		Date of mailing of the international search report 30 NOVEMBER 2009 (30.11.2009)
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 LEE, Young Jae  Telephone No. 82-42-481-8305

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/041282

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 07018748 B2	28.03.2006	DE 10219122 A1 US 2003-0203314 A1	20.11.2003 30.10.2003
US 2008-073754 A1	27.03.2008	CN 101201542 A EP 1906249 A2 EP 1906249 A3 JP 2008-170943 A KR 20080028335 A	18.06.2008 02.04.2008 24.12.2008 24.07.2008 31.03.2008
US 2004-0185674 A1	23.09.2004	WO 2004-084290 A1	30.09.2004

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:	12/386,594	Filing date:	April 21, 2009
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First Named Inventor:	Hao Xu
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Title of the Invention: PHOTOSENSITIVE HARDMASK FOR MICROLITHOGRAPHY

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

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

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

The corresponding PCT application number(s) is/are: PCT/US09/41282

The international date of the corresponding PCT application(s) is/are: April 21, 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.



UNITED STATES PATENT AND TRADEMARK 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.
12/386,594	04/21/2009	Hao Xu	39364	9729
23589	7590	12/06/2010	EXAMINER	
Hovey Williams LLP 10801 Mastin Blvd., Suite 1000 Overland Park, KS 66210			WATKINS III, WILLIAM P	
			ART UNIT	PAPER NUMBER
			1783	
			MAIL DATE	DELIVERY MODE
			12/06/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

CT

December 6, 2010

In re application of : DECISION ON REQUEST TO
Hao Xu et al : PARTICIPATE IN PATENT
Serial No. 12/386,594 : PROSECUTION HIGHWAY
Filed: April 21, 2009 : PROGRAM AND
For: PHOTSENSITIVE HARDMASK : PETITION TO MAKE SPECIAL
FOR MICROLITHOGRAPHY : 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 September 29, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

Application No. 12/386,594

applicability along with an English translation thereof if the latest international work product is not in the English language; and

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Teddy C. Randazzo
Suite N
2455 Old Middlefield Way
Mountain View CA 94043

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of :
Teddy C. Randazzo :
Application No. 12/386,608 : DECISION ON PETITION
Filed: April 22, 2009 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.181 (no fee) filed August 22, 2011, which is being treated as an alternative a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

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

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed July 21, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 22, 2010. A Notice of Abandonment was mailed on February 2, 2010.

Petitioner states that the non-final office action was never received. According to the file records the office action was returned to the USPTO as undelivered on July 30, 2010. At that time there were no request to change the correspondence address made in this application. The address the correspondence was mailed to, was the most current as provided by the applicant on the oath and declaration filed on April 22, 2009. There was a failure on the part of petitioner, to provide the U.S. Patent and Trademark Office with a current correspondence address.

In view of the above, the holding of abandonment is hereby dismissed.

The petition under 37 CFR 1.137(b) 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 amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 2832 for appropriate action by the Examiner in the normal course of business on the reply received August 22, 2011.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

KNOBBE MARTENS OLSON & BEAR, LLP
12790 EL CAMINO REAL
SAN DIEGO, CA 92130

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of
Carl F. EDMAN, et al.
Application No. 12/386,614
Filed: April 21, 2009
Attorney Docket No. **PHILO.000GEN**

**DECISION ON PETITION TO
WITHDRAW FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 2, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that **Thomas Arno** of **KNOBBE MARTENS OLSON & BEAR, LLP** does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **CARL EDMAN**
c/o PHILOMETRON, INC.
10451 ROSELLE STREET, SUITE 100
SAN DIEGO, CA 92121



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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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

MAILED

OCT 27 2011

OFFICE OF PETITIONS

In re Application of :
Ulrich Backes :
Application No.: 12/386,643 : **ON PETITION**
Filed: April 21, 2009 :
Attorney Docket No.: TRW(AEC)019089-ORD :

This is a decision on the petition, filed October 26, 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 October 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2878 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DEC 08 2010
OFFICE OF PETITIONS

MARY ELLEN PENTZ
APT 1402
200 SANDESTIN LANE
DESTIN FL 32550

In re Application of :
Pentz, et al. :
Application No. 12/386,645 : ON PETITION
Filed: April 21, 2009 :

This is a decision on the petition to revive under
37 CFR 1.137(b), filed September 20, 2010.

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

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

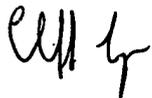
The instant petition is not signed by all of the inventors, and
as such, will not be considered on the merits. Pursuant to
37 CFR 1.33(b), all papers filed with the Office must be signed
by an attorney or agent of record, an assignee, or all of the
inventors.

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

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

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

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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MAILED

MAR 09 2011

OFFICE OF PETITIONS

MARY ELLEN PENTZ
APT 1402
200 SANDESTIN LANE
DESTIN FL 32550

In re Application of :
Pentz, et al. :
Application No. 12/386,645 : ON PETITION
Filed: April 21, 2009 :

This is a decision on the renewed petition to revive under 37 CFR 1.137(b), filed February 7, 2011.

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

The above-identified application became abandoned for failure to timely file a complete reply to the Notice to File Missing Parts, mailed May 7, 2009. This Notice set an extendable period for reply of two (2) months for applicants to submit an oath or declaration, the surcharge for its late filing, a substitute specification, and replacement drawings. On August 6, 2009, applicants filed a reply, made timely by obtaining a one month extension of time. However, on August 24, 2009, the Office mailed a Notice of Incomplete Reply, requiring replacement drawings because the drawings submitted on August 6, 2009 were not acceptable. The Notice of Incomplete Reply stated that the period for reply would continue to run from the mailing date of the May 7, 2009 Notice to File Missing Parts. No further replacement drawings having been received, the application became abandoned on August 8, 2009. The Office mailed a Notice of Abandonment on April 28, 2010. Applicants filed a petition to revive under 37 CFR 1.137(b) on September 20, 2010. However, the petition was dismissed without being considered on the merits in a decision mailed on December 8, 2010. The petition was dismissed because it was not signed by both of the applicants for patent.

With the instant petition, petitioner has submitted a petition signed by both of the applicants for patent and made the proper statement of unintentional delay. The petition fee and replacement drawings were previously submitted on September 20, 2010.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the replacement drawings filed September 20, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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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.
12/386,693	04/22/2009	Ralf Botchen	2984.002US1	4107
21186	7590	10/12/2011	EXAMINER	
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.			SALAD, ABDULLAHI ELMI	
P.O. BOX 2938			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402			2456	
			NOTIFICATION DATE	DELIVERY MODE
			10/12/2011	ELECTRONIC

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

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

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

uspto@slwip.com
request@slwip.com



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OCT 06 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of BOTCHEN ET AL.
Appl. No.: 12386693
Filed: 4/22/2009
Atty Docket No.: 2984.002US1
For: VIDEO DATA PROCESSING

:
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: DECISION ON PETITION
:
: UNDER 37 C.F.R. § 1.84(a)(2)
:
: TO ACCEPT COLOR
:
: DRAWINGS
:
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This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed April 22, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings (Figs. 1-16) 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: (i) a fee set forth under 37 C.F.R. §1.17(i); (ii) 3 (three) sets of the color drawings in question, unless the color drawings are submitted via EFS-Web (see 74 FR 55200, 10/27/09) in which case three (3) sets are not required; and (iii) the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings: "the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED as it meets the requirements above-mentioned.

Any inquiry concerning this decision should be directed to the undersigned at (571)272-3902 or Christopher Grant whose telephone number is (571) 272-7294.

/Beatriz Prieto/

Quality Assurance Specialist
Technology Center 2400



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/386,745 04/22/2009 Robert M. Soulchin N0306US 2472

7590 11/17/2010
NAVTEQ NORTH AMERICA, LLC
425 West RANDOLPH STREET
SUITE 1200, PATENT DEPT
CHICAGO, IL 60606

EXAMINER

HARRISON, CHANTE E

ART UNIT PAPER NUMBER

2628

MAIL DATE DELIVERY MODE

11/17/2010

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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November 17, 2010

NAVTEQ NORTH AMERICA, LLC
425 West RANDOLPH STREET
SUITE 1200, PATENT DEPT
CHICAGO IL 60606

In re Application of	:	
Soulchin, Robert M. et al	:	DECISION ON PETITION
Application No. 12/386,745	:	
Filed: 04/22/2009	:	ACCEPTANCE OF COLOR
Attorney Docket No. NO306US	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 22, 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

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Paper No.

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

MAILED

DEC 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Doyle	:	
Application No. 12/386,751	:	DECISION ON PETITION
Filed: April 22, 2009	:	PURSUANT TO
Attorney Docket No. AHS-39	:	37 C.F.R. § 1.137(B)
Title: STEADY-STATE-FREE-	:	
PRECESSION (SSFP) MAGNETIC	:	
RESONANCE IMAGING (MRI) AND	:	
METHOD	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 16, 2011, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed May 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 August 3, 2011. A notice of abandonment was mailed on November 21, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the

required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on December 16, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning this application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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JAMES L. RUGGERIO
1876 EMBASSY ROAD
NORTH PORT FL 34291

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of
Ruggerio, James L.
Application No. 12/386,806
Filed: April 23, 2009
Attorney Docket No. Case No. 1

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ON PETITION

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed October 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

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

Petitioner requests a refund of the \$270.00 petition fee which was previously submitted on June 25, 2010 with a Petition under 37 CFR 1.137(a). In view of the instant petition, the previous petition was never examined on the merits; thus, the petition fee will be refunded via treasury check in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3673 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions



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**BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS, MO 63102-2750**

**MAILED
AUG 11 2011
OFFICE OF PETITIONS**

In re Application of :
Anthony Alexander : **DECISION ON PETITION**
Application No. 12/386,824 : **TO WITHDRAW**
Filed: April 23, 2009 : **FROM RECORD**
Attorney Docket No. C071032/0232308 :

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 27, 2011.

The request is **NOT APPROVED**.

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

In the instant application, the practitioner(s) were appointed via Customer Number however the request does not designate a Customer Number to be withdrawn by. The request was signed by Lucinda Althausen on behalf of all the practitioners of record.

Since the current request does not properly withdraw the appointed practitioners the request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

There is an outstanding Office action mailed June 8, 2011 that requires a reply from the applicant.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

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

/A. Kelley-Collier/
Alicia Kelley-Collier
Petitions Examiner
Office of Petitions



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**BRYAN CAVE LLP
211 NORTH BROADWAY
SUITE 3600
ST. LOUIS MO 63102-2750**

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of
Anthony Alexander
Application No. 12/386,824
Filed: April 23, 2009
Attorney Docket No. C071032/0232308

:
:
: **DECISION ON PETITION
TO WITHDRAW FROM RECORD**
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This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 19, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Lucinda Althausser on behalf of all attorneys of record who are associated with Customer Number 49328.

All attorneys/agents associated with the Customer Number 49328 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed June 8, 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: Anthony Alexander
2275 Nicholas Court
Seymour, IN 47274



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Decision Date : August 17,2011

In re Application of :

Darin Harding

Application No : 12386836

Filed : 20-Apr-2009

Attorney Docket No : DMH-100C

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 17,2011

The request is **APPROVED**

The request was signed by Jean M Macheledt (registration no. 33956) on behalf of practitioners withdrawn.

Attorney(s)/Agent(s) withdrawn:

Jennifer Bales (reg. no. 38070)

Jean Macheledt (reg. no. 33956)

All other attorneys/agents previously of record, continue to be of record.

All future communications from the Office will continue to be directed to the correspondence of record.

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 at 866-217-9197.

Office of Petitions



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SHANKAR R. GHIMIRE
3947 PERSIMMON DR. APT. 104
FAIRFAX, VA 22031

Applicant: Ghimire, et al.
Appl. No.: 12/386,873
Filing Date: April 26, 2009
Title: SMART FOOD CHOPPER
Attorney Docket: N/A
Pub. No.: 2009/0277343 A1
Pub. Date: November 12, 2009

MAILED
OCT 05 2010
OFFICE OF PETITIONS

This is a decision on the requests for a corrected patent application publication under 37 CFR 1.221(b), received on January 12, 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 drawings wherein the drawings were published with poor clarity and quality.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The errors noted by applicant with respect to the drawings is not a material error under 37 CFR 1.221(b), in that 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.

¹Changes 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:

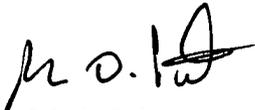
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

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.



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



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Walter A. Michel
548 Vista De La Ciudad
Santa Fe, NM 87501-6303

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of
Cynthia Stewart, et al.
Application No. 12/386,905
Filed: April 24, 2009
Attorney Docket No. 1120

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DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 6, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Walter A. Michel 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 Cynthia Stewart at the address indicated below.

There is an outstanding Office action mailed December 16, 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: **Cynthia Stewart**
4602 West Erie Street
Chandler, AZ 85226



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/386,905	04/24/2009	Cynthia Stewart	1120

99286
Walter A. Michel
548 Vista De La Ciudad
Santa Fe, NM 87501-6303

CONFIRMATION NO. 9031
POWER OF ATTORNEY NOTICE



Date Mailed: 03/14/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/06/2012.

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

/tsjohnson/

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



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DW Oct-10

PETER DOUGLAS JACK
122 - 7198 VANTAGE WAY
DELTA BC V4G 1K7
CANADA

MAILED

OCT 06 2010

OFFICE OF PETITIONS

In re Application of :
Jack et al. :
Application Number: 12/386935 : LETTER DISMISSING PETITION
Filing Date: 04/23/2009 :
For: METHOD AND APPARATUS FOR :
MIXING AND/OR BLENDING FLUIDS :

This is a decision in response to the paper styled as a petition under 37 CFR 1.137(b)¹ filed on June 22, 2010, to revive the above-identified application.

The petition is again **dismissed** for the reasons stated below.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. **This time period is not extendable.**²

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)).

² 37 CFR 1.181(f).

This application became abandoned on July 19, 2009, for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application mailed on May 18, 2009, which set a two (2) month shortened period for reply. A reply was filed on July 22, 2009, but was untimely. Notice of Abandonment was mailed on February 1, 2010.

The petition, which is signed by Peter Douglas Jack, one of the joint inventors, cannot be considered on the merits because it is not properly signed. Specifically, 37 CFR 1.33(b) requires that papers filed in an application must be signed by (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

As a declaration was filed on April 23, 2009, listing Peter Douglas Jack and Nels Robert Ladouceur as joint inventors, a renewed petition signed by all joint inventors must be filed.

It is noted that on June 22, 2010, a petition signed by Peter Douglas Jack and a page of declaration signed by Nels Robert Ladouceur were filed. **To be considered properly signed, however, the petition itself must include the typed or printed name and signatures of both inventors.**

Receipt of the petition fee is acknowledged. No further petition fee is due.

A properly signed petition must be filed as a prerequisite to revival of the application.

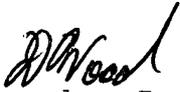
By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

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**.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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D1W Jan-11

PETER DOUGLAS JACK
122 - 7198 VANTAGE WAY
DELTA BC V4G 1K7
CANADA

MAILED

JAN 26 2011

OFFICE OF PETITIONS

In re Application of :
Jack et al. :
Application Number: 12/386935 : ON PETITION
Filing Date: 04/23/2009 :
For: METHOD AND APPARATUS FOR :
MIXING AND/OR BLENDING FLUIDS :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on November 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on July 19, 2009, for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application mailed on May 18, 2009, which set a two (2) month shortened period for reply. A reply was filed on July 22, 2009, but was untimely. Notice of Abandonment was mailed on February 1, 2010.

Receipt of the petition fee and filing fees is acknowledged.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/386,945	04/24/2009	Joseph A. Izatt	180/258/2	5691

25297 7590 06/24/2011
JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM, NC 27707

EXAMINER

HUYNH, PHONG

ART UNIT PAPER NUMBER

3737

MAIL DATE DELIVERY MODE

06/24/2011

PAPER

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

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



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Alexandria, VA 22313-1450
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25297
JENKINS, WILSON, TAYLOR, & HUNT, P.A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.
DURHAM, NC 27707

In re Application of: Izatt et al.)
Appl. No.: 12/386945) **DECISION ON PETITION**
UNDER 37
Filed: April 24, 2009) **C.F.R. 1.84(a)(2) TO ACCEPT**
For: METHODS FOR SINGLE-PASS) **COLOR DRAWINGS**
VOLUMETRIC BIDIRECTIONAL BLOOD)
FLOW IMAGING SPECTRAL DOMAIN)
OPTICAL COHERENCE TOMOGRAPHY)
USING A MODIFIED HILBERT TRANSFORM)

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed April 24, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, figures 1-13 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and 3 (three) sets of color drawings of figures 1-13. The specification at page 5, lines 24-26 did contain the required notification described above.

The petition is **GRANTED**.

The application file is being forwarded to Central files to await examination based upon its filing date.

/Brian L. Casler/
Brian L. Casler
S.P.E.
Technology Center 3700



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SANFORD J. PILTCH, ESQ.
1132 HAMILTON STREET
SUITE 201
ALLENTOWN PA 18101

MAILED
AUG 31 2010
OFFICE OF PETITIONS

In re Application of	:	
Judy Mertz	:	
Application No. 12/386,947	:	DECISION ON PETITION
Filed: April 24, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1631.2(4)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 statement from the attorney of record declaring that he is in possession of such evidence, and will retain such in the application, that proves the applicant 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 3747 for action on the merits commensurate with this decision.

Terri Johnson
Terri Johnson
Petitions Examiner
Office of Petitions



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

ARNOLD M. DE GUZMAN
DE GUZMAN & ASSOCIATES, PC
5276 HOLLISTER AVENUE
SUITE 160
SANTA BARBARA CA 93111

MAILED
DEC 06 2010
OFFICE OF PETITIONS

In re Application of :
Michael Hoglund : DECISION ON PETITION
Application No. 12/386,970 :
Filed: April 24, 2009 :
Atty Docket No. 10030.000100 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f)) filed November 5, 2010.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a foreign or international application filed on April 24, 2010. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the foreign or international application.

In view of the above, this application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

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

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating a projected publication date of March 17, 2011 accompanies this decision on petition.

Technology Center AU 2884 will take further action in this application in due course.

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



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Attachment: Communication Regarding Rescission of
Nonpublication Request and/or Notice of Foreign Filing



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/386,970	04/24/2009	Michael Gregory Hoglund	10030.000100

46081
ARNOLD M. DE GUZMAN
DE GUZMAN & ASSOCIATES, PC
5276 HOLLISTER AVENUE, SUITE 160
SANTA BARBARA, CA 93111

CONFIRMATION NO. 7481
NONPUBLICATION RESCISSION
LETTER



Date Mailed: 12/06/2010

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

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

The projected publication date is 03/17/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/nejohnson/

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



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LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED
AUG 09 2011
OFFICE OF PETITIONS

In re Application of :
PAUL, et al :
Application No. 12/387,020 : DECISION ON PETITION
Filed: April 27, 2009 :
Attorney Docket No. 64229-02300 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice, mailed July 9, 2010. 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 September 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 copy of the Sequence Listing; (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.

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

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

All other inquires should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further pre-examination processing.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **02/29/12**

TO SPE OF : ART UNIT: **3748 Attn: DENION THOMAS E (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/387113** Patent No.: **8109097**

CofC mailroom date: **02/23/2012**

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: **Please check Claim 7**
Should it 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.

- | | |
|--|--|
| <input type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: _____

THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Thomas Denion

SPE

3748

Art Unit

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 8,109,097B2
APPLICATION NO.: 12/387113
ISSUE DATE : February 7, 2012
INVENTOR(S) : James V. Harmon, Sr., et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 36, line 42 (Claim 7, last line), change "into" to -- onto --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Nikolai & Mersereau, P.A.
900 Second Avenue South, Suite 820
Minneapolis, MN 55402

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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.

35

the end of the down stroke the temperature and pressure is such that an effective zero clearance is achieved with a gain in mean Rankine cycle temperature whereby efficiency is improved and the incoming steam meets relatively hot surfaces thereby preventing cooling of the incoming charge, 9) unlike a standard uniflow steam engine, the metal surface at the end of the steam chamber adjacent the exiting steam can be externally heated when it is advantageous to prevent exhaust steam at atmospheric pressure from chilling or condensing the incoming charge of steam, 10) a short steam admission cutoff can be provided without excessive valve and cam stress, 11) evaporative cooling improves steam production efficiency, 12) controlled heating or no heating of the cylinder cap reduces thermal loss in the exhausted steam, 13) steam recompression pressure can be limited to throttle pressure, 14) the engine can be mechanically connected to the wheels of a vehicle or used to charge a battery, and 15) momentum energy of a vehicle can be stored and used later.

Many variations of the present invention within the scope of the appended claims will be apparent to those skilled in the art once the principles described herein are understood.

What is claimed is:

1. A combined cycle engine comprising

at least one cylinder having a combustion piston slideably mounted therein between a combustion chamber and a steam expansion chamber wherein the combustion chamber is outward of the piston and the steam expansion chamber is located inside the piston between the piston and a fixed cylinder cap that is slideably and sealingly mounted inside the piston,

a steam supply heated by waste combustion heat is connected to power the engine by supplying steam to the steam expansion chamber through a pair of separate and independently movable inwardly retractable steam inlet valves located inside the piston and connected in communication with one another and with the steam expansion chamber through the cylinder cap,

a valve retractor connected to open each of the steam inlet valves proximally, and

a steam exhaust valve that opens to communicate with the steam expansion chamber for exhausting steam from the steam expansion chamber when the piston is in an expanded state and is closed during at least a portion of a power stroke thereof.

2. The combined cycle engine of claim 1 wherein the exhaust valve is an automatic valve comprising an exhaust opening in the piston skirt that enables steam to be exhausted through the piston when at the top center position and the exhaust opening is located in alignment with an exhaust port through the cylinder wall outward of the cylinder cap.

3. The combined cycle engine of claim 1 wherein the steam inlet valves comprise a pair of separate and independently movable inwardly retractable valves connected to communicate in series for opening when moved proximally and a phase control for regulating the overlap thereof.

4. The combined cycle engine of claim 3 wherein the steam inlet valves comprise a pair of inwardly retractable poppet valves that are concentric to one another wherein one of the valves has a central longitudinal bore and the other valve is slideably mounted therein and the phase control is a valve control connected to time the operation of at least one of the poppet valves.

5. A combination internal combustion steam engine comprising,

at least one cylinder with a piston that is operatively connected to a crankshaft and is mounted for reciprocation

36

in the cylinder between an outer combustion chamber and inner steam expansion chamber enclosed within the piston,

a fixed cylinder cap sealingly and slideably mounted within the piston and having at least one inwardly opening steam admission valve therein which closes outwardly to cut off the flow of steam at a selected fraction of a power stroke of the engine,

a steam exhaust valve communicating with the steam expansion chamber,

a connecting rod that is centered substantially at the axis of a cylinder within a space located inwardly of the cylinder cap to provide the operative connection between the piston and the crankshaft, and

a combustion chamber cooling circuit that is integrated in series with a circuit connected to supply steam for powering the engine including an outlet duct connected to transfer heated combustion chamber coolant from a combustion chamber cooling jacket to absorb additional heat in an internal combustion exhaust fired steam generator having a steam outlet connected to supply steam to the steam expansion chamber through each such steam admission valve,

wherein said steam expansion chamber has an exhaust outlet connected to a steam condenser that has a condensate outlet connected to recycle a steam condensate back to the combustion chamber cooling jacket in a closed circuit.

6. The combination internal combustion steam engine of claim 5 wherein the cooling jacket has a steam outlet and a steam outlet duct is connected to the steam outlet of the cooling jacket for transferring steam produced by evaporative cooling within the cooling jacket of the engine to the steam generator for further heating the steam produced in the cooling jacket.

7. The combination internal combustion steam engine of claim 6

wherein at least one pipe carries liquid combustion chamber coolant to the cooling jacket and

wherein the combustion chamber coolant is sprayed from the at least one pipe into the cylinder to cool the cylinder.

8. The combination internal combustion steam engine of claim 5 wherein steam exhausted from the steam expansion chamber of the engine is connected in heat-exchange relationship with coolant passing from the cooling jacket to the steam generator to transfer heat from the exhausted steam to the coolant that is supplied from the cooling jacket to the steam generator.

9. The combination internal combustion steam engine of claim 5 wherein the condensate is transferred in heat-exchange relationship with steam exhausted from the engine before the condensate is transferred to the cooling jacket of the engine.

10. The combination internal combustion steam engine of claim 5 wherein said engine is mounted in a vehicle having wheels, the engine is connected to an electric generator to provide electric current to a member selected from a) a storage unit comprising a battery or a capacitor and b) an electric motor connected to drive the wheels of the vehicle.

11. The combination internal combustion steam engine of claim 5 wherein the engine is constructed and arranged with the piston slideably mounted over the cylinder cap to recompress residual steam after the steam exhaust valve has closed.

12. The combined cycle engine of claim 11 including an auxiliary clearance chamber within the engine that is connected to the steam expansion chamber.

13. The combination internal combustion engine of claim 5 having a steam exhaust valve in the cylinder sidewall for enabling steam to be exhausted through the cylinder sidewall when the steam expansion chamber is expanded and thereafter an inward movement of the piston recompresses residual steam therein.

14. The combination internal combustion engine of claim 5 wherein the at least one steam admission valve comprises a pair of separate and independently movable inwardly retractable valves communicating in series within the cylinder cap located within the piston and a control is connect to at least one steam admission valve for regulating the steam mass supplied to the steam chamber during outward strokes of the piston.

15. An engine having an operating cycle to provide energy transfer within at least one steam expansion chamber for imparting rotation to a crankshaft, said engine comprising, a crankcase supporting at least one cylinder and having a crankshaft journaled for rotation therein, a piston sealingly and slidably mounted in the cylinder, a fixed cylinder head defining a steam expansion chamber in the cylinder between the cylinder head and the piston, a connecting rod operatively associated between the piston and the crankshaft to rotate the crankshaft, a pair of separate and independently movable concentric poppet valves connected in series communication with each other and through the cylinder head with the steam expansion chamber, wherein the engine has a steam inlet passage communicating through the cylinder head, wherein the concentric series connected poppet valves have two fixed concentric valve seats as a part of the steam inlet passage that are each positioned for being opened and closed by one of the concentric poppet valves and wherein the poppet valves are concentric to one another with one poppet valve having a longitudinal bore and the other poppet valve being slidably mounted therein for injecting steam into the steam expansion chamber only when said concentric poppet valves are both in an open position off of said valve seats of said steam inlet passage.

16. The engine of claim 15 including a cam operatively connected to the crankshaft for actuating at least one of the concentric poppet valves.

17. The engine of claim 15 including a phase control for changing the phase of at least one of the concentric poppet valves to thereby regulate timing thereof.

18. The engine of claim 15 including at least a pair of movable actuator elements, each connected for opening or closing one of the concentric poppet valves at a selected time in a cycle of operation.

19. The combined cycle engine of claim 15 wherein at least one of said concentric poppet valves is a bump valve that is actuated by a bump force applied to a surface thereof by the piston.

20. A combined cycle engine comprising, at least one cylinder having a combustion piston slideably and sealingly mounted therein between a combustion chamber and a steam expansion chamber, the combustion chamber being outward of the piston and including a combustion intake valve and a combustion exhaust valve, the steam expansion chamber being located in the cylinder inward of the piston, at least one steam inlet valve enclosed by the piston and connected to be operated in timed relationship to piston movement for admitting steam from a steam supply

produced by waste combustion heat into the steam expansion chamber through a fixed cylinder cap that has a peripheral circular portion which is sealingly and slideably mounted within the piston, said piston having a skirt that is slideable through an annular space between the cylinder and the cylinder cap, a steam admission port located in the cylinder cap in communication with the steam inlet valve, an exhaust valve having an exhaust port for discharging steam from the expansion chamber, at least one rod operatively connected between the piston and a crankshaft and being disposed for movement in a space between the cylinder cap and the crankshaft, wherein said steam inlet valve further comprises at least one valve element having a phase control associated therewith for timing the closing of the steam inlet valve as a fraction of a stroke of the piston and communicating with the steam expansion chamber through said steam admission port in the cylinder cap, and

the crankshaft is located inwardly of the piston on an opposite side of the cylinder cap from the expansion chamber.

21. The combined cycle engine of claim 20 wherein the at least one steam inlet valve comprises a pair of separate and independently moveable valves connected to communicate in series and being retractable sequentially for opening when both valves are moved proximally to admit steam into the steam expansion chamber through said admission port.

22. The combined cycle engine of claim 21 including variable valve timing of at least one of said two valves for changing the cutoff of steam to said steam expansion chamber as a fraction of a power stroke of said piston.

23. The combined cycle engine of claim 20 wherein the phase control is connected for varying the steam mass introduced into the steam expansion chamber during a steam power stroke of the piston.

24. The combined cycle engine of claim 20 wherein the engine is constructed and arranged for the piston to be slideably mounted over the cylinder cap to recompress residual steam remaining after steam is exhausted from the cylinder for providing pressurized steam in the steam expansion chamber.

25. The combined engine cycle of claim 24 including an auxiliary clearance volume communicating with the steam expansion chamber through a duct for controlling a flow of steam between the steam expansion chamber and the auxiliary clearance volume.

26. The combined cycle engine of claim 20 wherein the steam exhaust valve port opens through a sidewall of the cylinder at a location in the cylinder sidewall that is outward of the cylinder cap for exhausting steam when the piston is at a top center position.

27. The combined cycle engine of claim 20 wherein the steam supply is connected to transfer steam directly to the at least one steam inlet valve for maintaining steam from the steam supply substantially out of heat transfer relationship with parts of the cylinder cap other than the at least one inlet valve.

28. The combined cycle engine of claim 20 wherein controlled heating of the cylinder cap is provided by a heat-insulating substance located between the steam supply and the cylinder cap for reducing heat flux therethrough from the steam supply to the steam expansion chamber.

29. The combined cycle engine of claim 20 wherein at least one steam distribution channel extends from the steam supply to heat the cylinder cap.

30. The combined cycle engine of claim 20 including a combustion chamber cooling jacket that has a steam outlet

39

and a steam outlet duct is connected to the steam outlet of the cooling jacket for transferring steam produced by evaporative cooling within the cooling jacket of the engine to the steam supply, said steam supply including a steam generator for heating the steam that was produced in the combustion chamber cooling jacket.

31. The combination internal combustion steam engine of claim 20 wherein a steam outlet of the steam generator is coupled to the cylinder cap so as to transfer heat flux to the cylinder cap for heating of the cylinder cap at a rate that is controlled to be less than that produced by jacketing the cylinder cap with the steam from the steam generator.

32. The combined cycle engine of claim 20 wherein a combustion chamber cooling circuit is in series with a steam supply circuit that is connected to power the engine, said series circuits comprising a single closed circuit including a passage connected to transfer combustion chamber coolant from a combustion chamber cooling jacket to an internal combustion exhaust powered steam generator that has a steam outlet connected to supply steam to the steam expansion chamber, and said expansion chamber having an exhaust outlet connected to a condenser that has a condensate outlet connected to recycle the coolant back to the cooling jacket.

33. The combined cycle engine of claim 20 wherein the engine has a cooling jacket with a steam outlet and a steam duct is connected to the steam outlet of the cooling jacket for transferring steam produced by evaporative cooling within the engine cooling jacket to a heater for heating steam from the cooling jacket with hot exhaust gasses from the combustion chamber.

34. The combined cycle engine of claim 33 wherein the cooling jacket includes at least one member selected from a) a sprayer connected for spraying the engine cylinder with a coolant liquid to thereby cause the liquid to flash into steam, and b) a source of vibration that is attached to the engine for imparting vibratory movement to the coolant contained in the combustion chamber cooling jacket.

35. The combined cycle engine of claim 20 wherein the engine is installed in a vehicle, the engine is connected to an electric generator to provide electric current to a member selected from an electrical storage unit and an electric motor connected to drive the wheels of the vehicle.

36. The combined cycle engine of claim 20 including an auxiliary clearance chamber in the engine that is connected to the steam expansion chamber.

40

37. The combined cycle engine of claim 20 having a steam exhaust valve in the cylinder sidewall for enabling steam to be exhausted through the cylinder sidewall when the steam expansion chamber is expanded and closes thereafter such that subsequent inward movement of the piston recompresses residual steam therein.

38. The combined cycle engine of claim 20 wherein the combined cycle engine is installed in a vehicle having wheels, a brake, and an energy storage unit, the energy storage unit is operatively connected to the wheels for transferring momentum energy from the wheels of the vehicle during a braking mode to the energy storage unit and

wherein during a drive mode of the vehicle the energy stored in the energy storage unit is utilized for moving the vehicle.

39. The combined cycle engine of claim 38 wherein the energy storage unit is a storage battery or a capacitor and an electric generator is connected between the wheels and the energy storage unit at least during the braking mode.

40. The combined cycle engine of claim 20 including a control to establish the phase of the steam inlet valve utilizing one or more engine operating variables including a fuel consumption rate to time the cutoff of steam injected into the expansion chamber.

41. The combined cycle engine of claim 20 wherein an interior wall of the piston is covered by a sleeve formed from metal to provide a piston ring contact surface.

42. The combined cycle engine of claim 41 wherein the sleeve is spaced from a skirt of the piston in places.

43. The combined cycle engine of claim 20 wherein at least one of said valves is a bump valve that is actuated by a bump force applied to a surface thereof by the piston.

44. The combined cycle engine of claim 43 wherein said valve comprises said inlet valve and the bump force is applied to the inlet valve by a valve lifter that is attached to an inward surface of the piston.

45. The combined cycle engine of claim 20 wherein the steam supply includes an afterburner as a countercurrent steam superheater.

46. The combined cycle engine of claim 20 wherein the steam supply includes a superheater with a plurality of radial blades therein for guiding the flow of gas therethrough.

* * * * *



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 23 2011
OFFICE OF PETITIONS

RALPH E. JOCKE
WALKER & JOCKE
231 SOUTH BROADWAY
MEDINA, OH 44256

In re Application of :
James Block et al :
Application No. 12/387,149 : DECISION ON PETITION
Filed: April 27, 2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. D-1263 R1 :

This is a decision on the petition filed January 31, 2011, which is being treated as a petition under 37 CFR 1.78(a)(3), 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 Application Data Sheet filed with the 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, 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 item (1) above.

The Application Data Sheet filed January 31, 2011 is not accepted. A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.

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 matter 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 Irvin Dingle at (571) 272-3210.


David Bucc
Petition Examiner
Office of Petitions



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United States Patent and Trademark Office
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RALPH E. JOCKE
WALKER & JOCKE
231 SOUTH BROADWAY
MEDINA, OH 44256

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JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
James Block et al :
Application No. 12/387,149 : DECISION ON PETITION
Filed: April 27, 2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. D-1263 R1 :

This is a decision on the renewed petition filed May 27, 2011 under 37 CFR 1.78(a)(3), 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 Application Data Sheet filed with the petition.

The petition is **GRANTED**.

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

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

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37

CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. 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 2887 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.


David Buccì
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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United States Patent and Trademark Office
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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/387,149, 04/27/2009, 2887, 1698, D-1263 R1, 18, 3

CONFIRMATION NO. 8111

CORRECTED FILING RECEIPT



28995
RALPH E. JOCKE
Walker & Jocke
231 SOUTH BROADWAY
MEDINA, OH 44256

Date Mailed: 07/18/2011

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)

- James Block, North Lawrence, OH;
Natarajan Ramachandran, Uniontown, OH;
Ashok Modi, Canton, OH;
Jeff Hill, Canton, OH;
Ray Motz, Massillon, OH;
Klaus Steinbach, Canton, OH;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 11/235,837 09/26/2005 PAT 7,523,856
which claims benefit of 60/614,923 09/29/2004
and is a CIP of 10/795,761 03/08/2004 PAT 7,207,477
which is a CIP of 09/826,675 04/05/2001 PAT 6,702,181
which is a DIV of 09/076,051 05/11/1998 PAT 6,315,195
which claims benefit of 60/082,299 04/17/1998

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: 06/05/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/387,149

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Cash dispensing automated banking machine with flexible display

Preliminary Class

235

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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& TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

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SEP 27 2010
OFFICE OF PETITIONS

In re Application of :
Gao, et al. : DECISION ON PETITION
Application No. 12/387,154 :
Filed: 28 April, 2009 :
Attorney Docket No. 3700.P0476US :

This is a decision on the petition filed on 23 August, 2010, pursuant 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

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.

BACKGROUND

The record reflects as follows:

The application was deposited on 28 April, 2009, without, *inter alia*, a fully executed oath/declaration

On 15 May, 2009, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

Application No. 12/387,154

On 16 November, 2009, Petitioner Terryence F, Chapman (Reg. No. 32,549) filed, *inter alia*, a petition with fee, and a statement pursuant to 37 C.F.R. §1.47, with an oath/declaration executed by co-inventors Gao and Leback for themselves and on behalf of non-signing inventor Mingyou Hu, however, the statement by Anthony Llewellyn, averred officer of the averred assignee as to the non-signing inventor evidences that only the oath/declaration and assignment were transmitted to the non-signing inventor, and not the entire application (description, claims, abstract, drawings) as required, and it does not appear that Petitioner has demonstrated diligence brought to the determination of as to current/valid/reasonably believed to be last known address for him—such that this element of the showing also must be clarified on any renewed petition. Petitioner appears not to have obtained from such sources as necessary and presented to the Office the materials required to make the showing(s) necessary pursuant to the regulations at 37 C.F.R. §1.47 and MPEP §409.03 et seq. 409.03. The petition was dismissed on 3 March, 2010.

On 14 May, 2010, Petitioner re-advanced the petition, this time with a statement by Anthony Llewellyn, averred Secretary of the averred assignee stating that the non-signing inventor “left our company ... and we could not reach him in any method.” And in support of that statement Petitioner submitted a single copy of an envelop evidencing non-delivery of a mailing. Petitioner made no showing of a diligent effort in search. The petition was dismissed on 6 July, 2010.

On 13 August, 2010, Petitioner re-advanced the petition, this time with an averment of signing/joining in the application by the formerly non-signing inventor Mr. Hu, with a copy of the executed oath/declaration in compliance with 37 C.F.R. §1.63—and so evidencing his joinder.

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 is **dismissed as moot for joinder**.

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.

Application No. 12/387,154

In view of the joinder of the inventor, further consideration under 37 C.F.R. §1.47 is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application should not be returned to this Office for any further consideration under 37 C.F.R. §1.47.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

While 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. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of 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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Jeffrey A. Stewart
9th Floor
450 Park South
New York NY 10016

MAILED
AUG 04 2010
OFFICE OF PETITIONS

In re Application of	:	
Jeffrey A. Stewart	:	
Application No. 12/387176	:	DECISION
Filing or 371(c) Date: 04/29/2009	:	ON PETITION
Title of Invention:	:	
AUTOMATED EMPLOYMENT INFORMATION	:	
EXCHANGE AND METHOD FOR EMPLOYMENT	:	
COMPATIBILITY VERIFICATION	:	

This is a decision on the “Petition to Revive Patent Application Unintentionally Abandoned Under 37 CFR 1.137(b),” filed March 29, 2010.

This Petitions are hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled “Request for Reconsideration of 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 Notice to File Corrected Application Papers (“Notice”), mailed May 19, 2009. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No timely and proper reply having been received, the application became abandoned on July 20, 2009. A Notice of Abandonment was mailed January 29, 2010.

The present petition filed under 37 CFR 1.137(b)

Applicant files the present petition under 37 CFR 1.137(b), and includes a petition fee of \$770.00.

Applicable law, Rules and MPEP

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 present petition lacks item (2).

As to item (2), applicants are advised that the petition fee for a petition under 37 CFR 1.137(b) is currently \$810.00. Applicant submitted \$770.00. Before the merits of the petition may be considered, the balance of the petition fee must be submitted.

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 decision only should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/

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

Jeffrey A. Stewart
9th Floor
450 Park South
New York NY 10016

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey A. Stewart	:	
Application No. 12/387176	:	DECISION
Filing or 371(c) Date: 04/29/2009	:	ON PETITION
Title of Invention:	:	
AUTOMATED EMPLOYMENT INFORMATION	:	
EXCHANGE AND METHOD FOR EMPLOYMENT	:	
COMPATIBILITY VERIFICATION	:	

This is a decision on the renewed "Petition to Revive Patent Application Unintentionally Abandoned Under 37 CFR 1.137(b)," filed October 4, 2010.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed May 19, 2009. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No timely and proper reply having been received, the application became abandoned on July 20, 2009. A Notice of Abandonment was mailed January 29, 2010.

Applicant files the present renewed petition and balance of the petition fee, and replacement drawings were filed in response to the Notice on March 29, 2010. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (previously filed); (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to the Office of Patent Application Processing for processing of the reply, and for continued processing in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/387,200	04/29/2009	Hiroataka Takahashi	SONYJP 3.0-1892	7378

SONYJP
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Ave West
Westfield, NJ 07090

7590 04/02/2012

EXAMINER

IDOWU, OLUGBENGA O

ART UNIT	PAPER NUMBER
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2425

NOTIFICATION DATE	DELIVERY MODE
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04/02/2012

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Bishop & Diehl, Ltd.
1750 East Golf Road
Suite 390
Schaumburg IL 60173

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re Application of :
Emilio A. Ramirez Jr., et al. :
Application No. 12/387,222 : **DECISION ON PETITION**
Filed: April 29, 2009 :
Attorney Docket No. **004016 P0012** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed May 15, 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 July 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form substitute specification, (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 JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized, cursive flourish extending to the right.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/387,225	04/28/2009	Gregory I. Frost	33320.03063.US02/ 3063	6241
13565	7590	06/27/2011	EXAMINER	
McKenna Long & Aldridge LLP			CORDERO GARCIA, MARCELA M	
4435 Eastgate Mall			ART UNIT	PAPER NUMBER
Suite 400			1654	
San Diego, CA 92121			MAIL DATE	DELIVERY MODE
			06/27/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.
The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND
TRADEMARK OFFICE

JUN 27 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Frost et al.
Serial No.: 12/387,225
Filed: April 28, 2009
Attorney Docket No: **33320.03063.US02/
3063**

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on June 14, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on August 14, 2009; February 1, 2010; July 21, 2010; and February 11, 2011 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 August 14, 2009; February 1, 2010; July 21, 2010; and February 11, 2011. 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 August 14, 2009; February 1, 2010; July 21, 2010; and February 11, 2011 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" August 14, 2009, "Transmittal Letter" of 5 pages; February 1, 2010, "Transmittal Letter" of 3 pages; July 21, 2010, "Transmittal Letter" of 5 pages; and February 11, 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 August 14, 2009; February 1, 2010; July 21, 2010; and February 11, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Frank Dehnhard
Schleusenstr. 41, D-23560
Lubeck 23560 DE GERMANY

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of :
Frank Dehnhard :
Application No. 12/387,231 : DECISION ON PETITION
Filed: April 30, 2009 :
Attorney Docket No. :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on May 26, 2010, and supplemented on September 13, 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 Nonprovisional Application (Notice), mailed August 5, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on October 6, 2008.

The petition is **DISMISSED**.

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) (3).

As to item (3)

Petitioner is required to submit 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." Therefore, since petitioner has not provided the required statement, the petition cannot be granted at this present time.

A blank (PTO/SB/64) form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. Petitioner is encouraged to use the enclosed form. Petitioner also may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584

/JoAnne Burke/
JoAnne Burke
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

Frank Dehnhard
Schleusenstr. 41, D-23560
Lubeck 23560 DE GERMANY

MAILED

DEC 14 2010

OFFICE OF PETITIONS

In re Application of :
Frank Dehnhard :
Application No. 12/387,231 : **DECISION ON PETITION**
Filed: April 30, 2009 :
Attorney Docket No. :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on November 16, 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 Nonprovisional Application (Notice), mailed August 5, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on October 6, 2008.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Oath or Declaration, surcharge fee, and replacement abstract, (2) the petition fee of \$810 (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GEORGE R. SCHULTZ
SCHULTZ & ASSOCIATES, P.C.
ONE LINCOLN CENTER
5400 LBJ FREEWAY, SUITE 1200
DALLAS TX 75240

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of	:	
BRYANT	:	
Application No. 12/387,263	:	DECISION ON PETITION
Filed: April 30, 2009	:	TO WITHDRAW
Attorney Docket No. 49100.0102	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 3, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because Petitioner has not complied with current USPTO requirements as set forth in 37 CFR 10.40. In this regard, 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 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(c).

Petitioner has not complied with items (1) and (3) of the above-identified certifications.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: JUSTIN K. BRYANT
219 THORNCREST
STOCKBRIDGE GA 30281



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**GEORGE R. SCHULTZ
SCHULTZ & ASSOCIATES, P.C.
ONE LINCOLN CENTER
5400 LBJ FREEWAY, SUITE 1200
DALLAS TX 75240**

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of	:	
BRYANT	:	
Application No. 12/387,263	:	DECISION ON PETITION
Filed: April 30, 2009	:	TO WITHDRAW
Attorney Docket No. 49100.0102	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 11, 2011.

The request is **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 George R. Schultz on behalf of all the attorneys of record.

All the attorneys of record 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 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: JUSTIN K. BRYANT
219 THORNCREST
STOCKBRIDGE GA 30281



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/387,263	04/30/2009	Justin K. Bryant	49100.0102

CONFIRMATION NO. 1167

POWER OF ATTORNEY NOTICE



George R. Schultz
Schultz & Associates, P.C.
One Lincoln Center
5400 LBJ Freeway, Suite 1200
Dallas, TX 75240

Date Mailed: 08/22/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/11/2011.

- 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

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P.O. Box 1450
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**SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603**

MAILED

DEC 06 2011

In re Application of
John J. Golgoski, Jr.
Application No. 12/387,372
Filed: May 1, 2009
Attorney Docket No. JG08-001

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 5, 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 Stephen Ackerman 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 John J. Golgoski, Jr. at the address indicated below.

There is an outstanding Office action mailed May 5, 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: **John Golgoski, Jr.**
551 State Rt. 42
Shandaken, NY 12480-5704



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/387,372	05/01/2009	John J. Golgoski JR.	JG08-001

28112
SAILE ACKERMAN LLC
28 DAVIS AVENUE
POUGHKEEPSIE, NY 12603

CONFIRMATION NO. 9855
POWER OF ATTORNEY NOTICE



Date Mailed: 12/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/05/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Alexandria, VA 22313-1450
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PVF -- SYNOPSIS, INC
c/o PARK, VAUGHAN FLEMING &
DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

MAILED
JAN 26 2012
OFFICE OF PETITIONS

In re Application of :
Qiaolin Zhang :
Application No. 12/387,383 : **ON PETITION**
Filed: April 30, 2009 :
Attorney Docket Number: SNPS-1180 :

This is in response to the petition under 37 CFR 1.84(a)(2), filed April 30, 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 2, 5A and 5B are not the only practical medium by which to disclose the subject matter. Petitioner asserts that the "color drawings are required to illustrated printed patterns on a wafer". Petitioner's argument has been considered, but is not persuasive. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols should be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2825.

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
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**MCDONNELL BOEHNEN HULBERT
& BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606**

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of :
Stephen C. SCHULZ et al. :
Application No. 12/387,391 : **NOTICE UNDER 37 CFR. 1.28(c)**
Filed: April 30, 2009 :
Attorney Docket No. **05-658-D-DIV** :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205**

**MAILED
MAR 14 2011
OFFICE OF PETITIONS**

In re Application of :
Steven GRANT et al. :
Application No. 12/387,423 : DECISION ON PETITION
Filed: May 01, 2009 :
Attorney Docket No. 82843DIV2(208039) :

This is a decision on the petition filed October 06, 2010, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed June 05, 2010 be withdrawn. The \$400.00 petition fee has been received.

The petition is granted.

Petitioner request the withdrawal of the terminal disclaimer filed June 05, 2010, asserting that the terminal disclaimer was filed over the U.S. Pat. No. 11/102,512, now U.S. Patent No. 7,563,443 and divisional status of instant application was filed inadvertently. Given the restriction requirements in parent application no. 11/102,512 there is no further need for the disclaimer to remain recorded against this application. The examiner in charge of this application was consulted and the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

Telephone inquiries related to this decision should be addressed to Michelle R. Eason at (571) – 272-4231.

The application is being forwarded to the Office of Data Management.

/Thurman K. Page/
Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of
Martin Deuter
Application No. 12/387,429
Filed: May 1, 2009
Attorney Docket No. **MBI-0101PP3**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 24, 2010.

The request is **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 Michael R. Ward on behalf of all attorneys of record who are associated with Customer Number 47550.

All attorneys/agents associated with Customer Number 47550 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is an outstanding Office action mailed August 6, 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: Mendel Biotechnology, Inc
3935 Point Eden Way
Hayward CA 94545



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MENDEL BIOTECHNOLOGY, INC.
JEFFERY M. LIBBY
3935 POINT EDEN WAY
HAYWARD CA 94545

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of
Martin DEUTER
Application No. 12/387,444
Filed: May 1, 2009
Attorney Docket No. MBI-0101PP2

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**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 24, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael R. Ward on behalf of the attorneys of record associated with Customer No. 47550.

The attorneys of record associated with Customer No. 47550 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.

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: MENDEL BIOTECHNOLOGY, INC.
3935 POINT EDEN WAY
HAYWARD CA 94545-3720

Cc: MICHAEL R. WARD
MORRISON & FOERSTER LLP
SAN FRANCISCO CA 94105-2482



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/387,444	05/01/2009	Martin Deuter	MBI-0101PP2

CONFIRMATION NO. 2829

POWER OF ATTORNEY NOTICE



47550
Mendel Biotechnology, Inc
Jeffery M. Libby
3935 Poi nt Eden Way
Hayward, CA 94545

Date Mailed: 12/09/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/24/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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**TOMLINSON & O'CONNELL, P.C.
TWO LEADERSHIP SQUARE
211 NORTH ROBINSON, SUITE 450
OKLAHOMA CITY OK 73102**

**MAILED
AUG 15 2011
OFFICE OF PETITIONS**

In re Application of :
Steven W. WENTWORTH et al. :
Application No. 12/387,475 : **DECISION ON PETITION**
Filed: May 01, 2009 :
Attorney Docket No. 117798-0381 :

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 reply in a timely manner to the Restriction Requirement, mailed October 14, 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 November 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 October 14, 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 3676 for appropriate action by the Examiner in the normal course of business on the reply received.


Michelle R. Eason
Paralegal Specialist
Office of Petitions



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/387,501	05/04/2009	Hor Gil Hur	50413/036001	7989

7590 11/30/2011
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER

GUDIBANDE, SATYANARAYAN R

ART UNIT PAPER NUMBER

1654

NOTIFICATION DATE DELIVERY MODE

11/30/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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November 30, 2011

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of :
Hor Gil Hur et al. : **DECISION ON PETITION**
Application No. 12387501 :
Filed: 5/4/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 50413/036001 : **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) May 4, 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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OSTROLENK FABER LLP
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

MAILED

FEB 09 2012

In re Application of
Kim et al.
Application No. 12/387,502
Filed: 05/04/2009
Attorney Docket No. P/2292-141

OFFICE OF PETITIONS

ON PETITION

This is in response to the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR § 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on May 4, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners assert that color is believed to enhance the reader's ability to distinguish elements whose distinction aids understanding of the invention.

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. MPEP 608.02, Section IX, DRAWINGS SYMBOLS provide graphic symbols that should be used to indicate various materials where the material is an important feature of the invention.

As color drawings or photographs are not required for an understanding of the invention, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2822.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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ORAMETRIX, INC.
2350 CAMPBELL CREEK BOULEVARD, SUITE 400
RICHARDSON TX 75082

MAILED

MAR 15 2012

OFFICE OF PETITIONS

ON PETITION

In re Application of
Friedrich Riemeier et al.
Application No. 12/387,542
Filed: May 4, 2009
Attorney Docket No. **ORA-08-001**

This is a decision on the petition, filed February 13, 2012 under 37 CFR 1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

An non-Final Office Action was mailed August 10, 2011. A response in the form of an amendment was filed February 11, 2012, with a three month extension of time but outside the maximum period obtainable. Thus, the application became abandoned. Accordingly, a Notice of Abandonment was mailed March 8, 2012, after the filing of the instant petition.

This matter is being referred to Technology Center 3725 for processing of the amendment filed February 11, 2012 and supplemented with the instant petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

(2) the petition fee required by 37 CFR 1.17(l);

(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) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.



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RICHARD M. SACCOCIO
780 W. TROPICAL WAY
PLANTATION, FL 33317

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of :
Joshua A. Doro :
Application No. 12/387,579 : ON PETITION
Filed: May 5, 2009 :
Attorney Docket No.: DORO 2 :

This is a decision on the petition, filed March 1, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is not signed by a registered attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Richard M. Saccocio appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed May 26, 2009, requiring replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d). The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 27, 2009. A Notice of Abandonment was mailed on February 2, 2010. On March 1, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay¹

The application is being referred to the Office of Patent Application Processing (OPAP) for review of the drawings provided March 1, 2011.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Henry E. Naylor & Associates, LLC
P.O. Box 86060
Baton Rouge LA 70879-6060

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of :
Duane A. Goetsch et al. :
Application No. 12/387,584 : **DECISION ON PETITION**
Filed: May 5, 2009 :
Attorney Docket No. 02GT09 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed February 12, 2010. 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 April 13, 2010. The Notice of Abandonment was mailed on October 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement claims, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly the replacement claims are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received January 20, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
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.
12/387,697	05/05/2009	Nathan E. Yanasak	24M15.1-131	5646

23506 7590 08/01/2011
GARDNER GROFF GREENWALD & VILLANUEVA, PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

EXAMINER

VARGAS, DIXOMARA

ART UNIT	PAPER NUMBER
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2858

NOTIFICATION DATE	DELIVERY MODE
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08/01/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@gardnergroff.com



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P.O. Box 1450
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GARDNER GROFF GREENWALD & VILLANUEVA. PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

AUG 1 2011

In re Application of	:	
YANASAK	:	DECISION ON PETITION
Application No. 12/387,697	:	TO ACCEPT COLOR
Filed: May 05, 2009	:	DRAWINGS
Attorney Docket No. 24M15.1-131	:	

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed on May 05, 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(a)(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 May 05, 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 Melissa J. Koval at 571-272-2121.

For 

 Melissa J. Koval
 Supervisory Patent Examiner, Art Unit 2858
 Technology Center 2800



YEN JUNG SUNG
30-47 37 ST.
ASTORIA NY 11103

MAILED
DEC 16 2011

OFFICE OF PETITIONS

In re Application of
Yu-Tang Chen
Application No. 12/387,744
Filed: May 8, 2009
Attorney Docket No. **GT-012**

ON PETITION

This is a decision on the petition filed December 8, 2011, to withdraw the holding of abandonment. The petition is being treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned October 28, 2010 for failure to pay the issue fee in response to the Notice of Allowance mailed on August 30, 2010. Accordingly, the Notice of Abandonment was mailed on September 10, 2010. Petitioner asserts that the Notice of Allowance was never received because a previously filed Revocation/Power of Attorney and Change of Correspondence Address was not processed.

A review of the file reveals that a revocation/power of attorney and address change was filed on February 18, 2010 but that the information was not updated prior to the mailing of the Notice of Allowance on September 10, 2010. Thus, the Office Action was mailed to the wrong address and as petitioners claim, not received.

In view of the above, no petition fees are due and none have been charged.

The Notice of Abandonment is withdrawn and since the issue fee has been paid with the instant petition, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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MAILED

SEP 09 2010

OFFICE OF PETITIONS

CHARLES J. RUPNICK
PO BOX 46752
SEATTLE, WA 98146

In re Application of
Jeffrey D. Carnevali
Application No. 12/387,779
Filed: May 7, 2009
Attorney Docket No.: NPI-098 CIP 6

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ON PETITION

This is a decision on the renewed petition, filed July 16, 2010, requesting withdrawal of the holding of abandonment in the above-identified application under the provisions of 37 CFR 1.181 (no fee).

The petition is **GRANTED**.

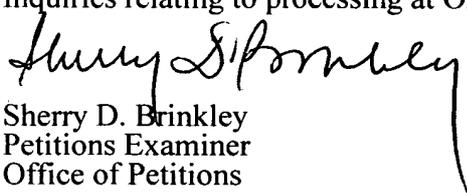
A review of the record discloses that the application was held abandoned on July 26, 2009 for a failure to timely reply to a Notice to File Missing Parts of Nonprovisional Application mailed May 26, 2009. A Notice of Abandonment was subsequently mailed on February 3, 2010. On March 15, 2010, a petition under 37 provisions of 37 CFR 1.181 was filed. It is noted that while the petition included *prima facie* evidence of receipt of a timely reply on July 28, 2009, the petition was dismissed in a decision mailed May 17, 2010, because the \$26 additional claim fee remained unpaid. On July 16, 2010, the present petition was filed, including payment of the requisite \$26 additional claim fee.

In view of the above, the Notice of Abandonment mailed February 3, 2010 is hereby vacated and the holding of abandonment is withdrawn.

The copy of the reply supplied with the petition on March 15, 2010 is being accepted in place of the reply shown to have been received by the U.S. Patent and Trademark Office on July 28, 2009, using a Certificate of Mailing under 37 CFR 1.8 dated July 24, 2009.

This application is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to processing at OPAP should be directed to their hotline at (571) 272-4000.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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January 22, 2012

ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

In re Application of :
John Knopf et al. : **DECISION ON PETITION**
Application No. 12387788 :
Filed: 05/06/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. **PHPH-035-101** : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 6, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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STEVEN W. SMITH
4224 Hartlees Field Road
Denton TX 76208

MAILED

JUL 21 2011

In re Application of	:	
Lovegreen et al.	:	OFFICE OF PETITIONS
Application No. 12/387791	:	
Filing or 371(c) Date: 05/07/2009	:	
Attorney Docket Number:	:	
1039-14CIP-DIV	:	ON PETITION

This is a decision on the "Request to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181," filed June 7, 2011. The Request is properly treated as a Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed November 18, 2011. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). A Notice of Abandonment was mailed June 2, 2011.

Applicant's Assertion

Applicant files the present petition and asserts that a timely reply to the Office action was filed February 16, 2011. Applicant includes a copy of the reply, and a copy of his Auto Reply Facsimile Transmission report acknowledging receipt by this Office of 7 pages on February 16, 2011.

Review of Office Records

A review of Office records reveals that the Office received the reply filed on February 16, 2011.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3687 for processing of the amendment and remarks, filed February 16, 2011, and for continued examination in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FAEGRE BAKER DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

MAILED

MAR 26 2012

OFFICE OF PETITIONS

In re Application of	:	
Robert Rooksby	:	
Application No. 12/387,799	:	DECISION ON PETITION
Filed: May 7, 2009	:	TO WITHDRAW
Attorney Docket No. AYR-P0001	:	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 12, 2012.

The request is **APPROVED**.

The request was signed by Ryan C. Barker on behalf of the practitioners of record associated with Customer Number 27268.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Robert Rooksby 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: Robert Rooksby
12716 Norfolk Lane
Carmel, IN 46032



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/387,799	05/07/2009	Robert Rooksby	AYR-P0001

27268
Faegre Baker Daniels LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

CONFIRMATION NO. 6413
POWER OF ATTORNEY NOTICE



Date Mailed: 03/26/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/387,799	05/07/2009	Robert Rooksby	AYR-P0001

Robert Rooksby
12716 Norfolk Lane
Carmel, IN 46032

CONFIRMATION NO. 6413
POA ACCEPTANCE LETTER



Date Mailed: 03/26/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2012.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/i dingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Elia Rocco Tarantino

Application No. 12387805

Filed: May 6, 2009

Attorney Docket No. PATINV.0007P

:

: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 04-OCT-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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John W. Crosby
1650 Hwy 395
Minden NV 89423

MAILED
MAR 22 2012
OFFICE OF PETITIONS

In re Application of :
Patmont et al. :
Application No. 12/387,825 : DECISION ON PETITION
Filed: May 6, 2009 : PURSUANT TO
Attorney Docket No.: PMW-003 : 37 C.F.R. § 1.137(B)
Title: WHEELCHAIR HAVING :
TORSION-ACTING SHOCK :
ABSORPTION AND DETACHABLE :
DIRVE TRAIN :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed February 8, 2012, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed January 6, 2011, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 7, 2011. A notice of abandonment was mailed on July 20, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The

Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, an election of species, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the election of species that was received on February 8, 2012 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, a properly executed change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

¹ See Rule 1.137(d).

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.² In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.³ 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

cc: Steven J. Patmont
1889 Gray Ct
Gardnerville, NV 89410

² See 37 C.F.R. § 10.18(b); cf. 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).

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).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/387,839	05/07/2009	Chandrasekaran Venkatachalam	019397-009410US	6965
20350	7590	05/20/2011	EXAMINER	
KILPATRICK TOWNSEND & STOCKTON LLP			BARKER, MATTHEW M	
TWO EMBARCADERO CENTER			ART UNIT	
EIGHTH FLOOR			PAPER NUMBER	
SAN FRANCISCO, CA 94111-3834			3662	
			NOTIFICATION DATE	
			DELIVERY MODE	
			05/20/2011	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com



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P.O. Box 1450
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MAY 19 2011

In re Application of : DECISION ON PETITION
Chandrasekaran Venkatachalam et al. :
SERIAL NO.: 12/387,839 :
FILED: May 7, 2009 :
FOR: DUAL POLARIZATION RADAR
PROCESSING SYSTEM USING TIME
DOMAIN METHOD

This is a decision on the request filed May 7, 2009 to waive the requirements of 37 CFR 1.84(a) so as to permit the application to include a color drawing. Applicant has shown that the use of color is an essential element in the representation of the drawing.

Petition Granted.

/ Thomas H. Tarcza/

Thomas H. Tarcza
SPE, Art Unit 3662
571-272-6979



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/387,845	05/07/2009	Chandrasekaran Venkatachalam	019397-009310US	7605

20350 7590 03/23/2011
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

GREGORY, BERNARR E

ART UNIT	PAPER NUMBER
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3662

NOTIFICATION DATE	DELIVERY MODE
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03/23/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAR 22 2011

In re Application of : DECISION ON PETITION
Venkatachalam Chandrasekaran :
SERIAL NO.: 12/387,845 :
FILED: May 7, 2009 :
FOR: NETWORK WAVE SYSTEM :

This is a decision on the request filed May 7, 2009 to waive the requirements of 37 CFR 1.84(a) so as to permit the application to include a color drawing. Applicant has shown that the use of color is an essential element in the representation of the drawing.

Petition Granted.

Thomas H. Tarcza
SPE, Art Unit 3662
571-272-6979



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MAILED

MAY 09 2011

OFFICE OF PETITIONS

Law Office of Gerow Brill
20 Oakmont Circle
New Freedom PA 1734

In re Application of :
Sokolov, et al. :
Application No.: 12/387,860 : ON PETITION
Filed: May 8, 2009 :
Attorney Docket No: SOKOLOV-8U :

This is a decision on the petition under 37 CFR §1.137(b), March 31, 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 application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed July 7, 2009, which set a shortened 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 8, 2009. A Notice of Abandonment was mailed March 15, 2010.

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).

Item 1 above has not been satisfied because the Notice to File Missing Parts of Non-Provisional Application required payment of a \$65.00 surcharge for the late filing of the declaration under 37 CFR 1.63. The renewed petition must be accompanied payment of the \$65.00 surcharge. **No additional petition fees are due.**

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Law Office of Gerow Brill
20 Oakmont Circle
New Freedom PA 1734

In re Application of
Sokolov, et al.
Application No.: 12/387,860
Filed: May 8, 2009
Attorney Docket No: **SOKOLOV-8U**

MAILED
AUG 01 2011
OFFICE OF PETITIONS
ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed June 20, 2011.

The petition under 37 CFR 1.137(b) is **granted**.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed July 7, 2009, which set a shortened 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 8, 2009. A Notice of Abandonment was mailed March 15, 2010.

The surcharge of \$65.00 was received June 20, 2011.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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OWEN J BATES
SUITE 200
2400 BAYSHORE PARKWAY
MOUNTAIN VIEW CA 94043

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Alfred Sugianto :
Application No. 12/387,867 : **DECISION ACCORDING STATUS**
Filed: May 7, 2009 : **UNDER 37 CFR 1.47(b)**
Attorney Docket No. MROI 012 :

This is in response to the renewed petition under 37 C.F.R. § 1.47(b), filed September 17, 2010.

The petition under 37 C.F.R. § 1.47(b) is GRANTED.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(b). Accordingly, the above-identified application is hereby accorded Rule 1.47(b) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors 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 the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ALFRED SUGIANTO
230 CONSTITUTION DR
MENLO PARK CA 94025

MAILED

OCT 01 2010

OFFICE OF PETITIONS

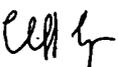
In re Application of :
Alfred Sugianto :
Application No. 12/387,867 :
Filed: May 7, 2009 : LETTER
Title: Dose Counter and Lockout :
Mechanism :

Dear Mr. Sugianto:

You are named as the inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the 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, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. 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 (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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**KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM CA 92807**

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
LOVELACE	:	
Application No. 12/387,870	:	DECISION ON PETITION
Filed: May 9, 2009	:	TO WITHDRAW
Attorney Docket No. LOVE-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 March 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kirk William Hermann the sole attorney of record.

Attorney Kirk William Hermann has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: GUNNAR LOVELACE
P.O. BOX 382
OJAI, CA 93024



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/387,870	05/09/2009	Gunnar Lovelace	LOVE-001

CONFIRMATION NO. 7910

POWER OF ATTORNEY NOTICE

Kirk Hermann
150 Cerro Vista Way
Anaheim, CA 92807



Date Mailed: 04/29/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/15/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**ALEX RHODES
UNIT NO. 9
50168 PONTIAC TRAIL
WIXOM, MI 48393**

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Fedchun et al.	:	DECISION ON PETITION
Application No. 12/387,893	:	TO WITHDRAW
Filed: May 11, 2009	:	FROM RECORD
Attorney Docket No. 1741-009	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 21, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Alex Rhodes on behalf of all practitioners of record.

Alex Rhodes and all practitioners of record have been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: VLADMIR A. FEDCHUN
30310 W. 12 MILE ROAD
SOUTHFIELD, MI 48334



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/387,893	05/11/2009	Vladimir A. Fedchun	1741-009

26824
ALEX RHODES
UNIT NO. 9
50168 PONTIAC TRAIL
WIXOM, MI 48393

CONFIRMATION NO. 8438
POWER OF ATTORNEY NOTICE



Date Mailed: 08/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/21/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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VLADIMIR A. FEDCHUN
30310 W. 12 MILE ROAD
SOUTHFIELD, MI 48334

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application	:	
Fedchun et al.	:	DECISION ON PETITION
Application No. 12/387,893	:	TO WITHDRAW
Filed: May 11, 2009	:	FROM RECORD
Attorney Docket No. 1741-009	:	

This is a decision on the corrected Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 12, 2010.

The request is **DISMISSED**.

The corrected request to withdraw as attorney submitted herein is incomplete as it does not specify the information to be corrected nor does it include a signature from the petitioner.

Further, a review of the file record indicates that the previous request to withdraw as attorney filed on June 21, 2010, was granted in a decision mailed July 22, 2010. Therefore, since Alex Rhodes is no longer power of attorney in the above-mentioned application the change of correspondence address could not be accepted had it been complete.

All future communications from the Office will continue to be directed to the above-listed address as previously submitted on August 10, 2009, until otherwise notified by applicant.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: ALEX RHODES
50168 PONTIAC TRAIL, UNIT 9
WIXOM, MI 48393-2080

IFW/DAC



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 1662/028022)

In re Application of:)	
)	
Santiago Ini et al.)	Examiner: Loewe, Sun Jae Y
)	
Serial No.: 12/387,913)	Group Art Unit: 1626
)	
Filed: May 8, 2009)	Confirmation No. 6947
)	
For: Carvedilol phosphate)	

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 12, 2010 Signature: *Neil H. Benowitz*
Neil H. Benowitz

Petition to Make Special Under 37 CFR 1.102(d)

Sir:

Applicants petition that the instant application be made special under the Patent Application Backlog Reduction Stimulus Plan (75 FR 36063 (June 24, 2010)). The petition is according to 37 CFR 1.102(d). This petition to make special is based on the express abandonment of another copending application according to 37 CFR 1.138(a).

The copending application that is expressly abandoned is application no. 12/383,721, filed on March 25, 2009. A copy of the letter of express abandonment for the copending application is attached. The instant application for which special status is sought and the copending application are commonly owned by Teva Pharmaceuticals Industries LTD. The assignment records for the parents of these applications can be found in reel 024797 frame 0486 for the instant application, and on reel 015238 frame 0561 for the copending application. The

assignments for the parent applications include the instant application and the copending application.

Applicants have not filed a petition to make special under the Patent Application Backlog Reduction Stimulus Plan in more than 14 other applications. In addition, Applicants agree to make an election without traverse in a telephonic interview if special status is granted to the instant application.

The petition fee of \$130.00 under 37 CFR 1.102(d) and 37 CFR 1.17(h) is waived under this plan. However, if the petition fee or any other fees are due, which may be required for the filing of this petition, please charge the fees to Kenyon & Kenyon, LLP Deposit Account No. 11-0600.

Respectfully Submitted,

Dated: August 12, 2010

By:



Joseph A. Coppola
(Reg. No. 38,413)
One Broadway
New York, New York 10004
(212) 425-7200
(212) 425-5288 (Fax)
CUSTOMER NUMBER 26646



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 01662/76707111)

In re Application of:)	
)	
Revital Lifshitz-Liron et al.)	Examiner: Shiao, Rei Tsang
)	
Serial No.: 12/383,721)	Group Art Unit: 1628
)	
Filed: March 25, 2009)	Confirmation No. 8611
)	
For: Fluvastatin sodium crystal forms,)	
processes for preparing them,)	
compositions containing them and)	
methods of using them)	

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 12, 2010 Signature: 
Neil H. Benowitz

Letter of Express Abandonment Under 37 CFR 1.138(a)

Sir:

The instant application is expressly abandoned under 37 CFR 1.138(a). The express abandonment of the instant application is made under the Patent Application Backlog Reduction Stimulus Plan (75 FR 36063 (June 24, 2010)).

Applicants have not and will not file an application claiming benefit of the expressly abandoned application. Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application. Applicants agree not to request refund of fees paid in the expressly abandoned application.

Applicants believe that no fees are due. If any fees are due, which may be required for the filing of this letter of express abandonment, please charge the fees to Kenyon & Kenyon, LLP Deposit Account No. 11-0600.

Respectfully Submitted,

Dated: August 12, 2010

By: 
Alan P. Force
(Reg. No. 39,673)
One Broadway
New York, New York 10004
(212) 425-7200
(212) 425-5288 (Fax)
CUSTOMER NUMBER 26646



KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of	:	
LIFSHITZ-LIRON et al.	:	DECISION ON PETITION
Application No. 12/387,913	:	TO MAKE SPECIAL
Filed: March 25, 2009	:	37 CFR 1.102
Attorney Docket No. 01662/76707111	:	

This is a decision on the petition under 37 CFR 1.102, filed August 16, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

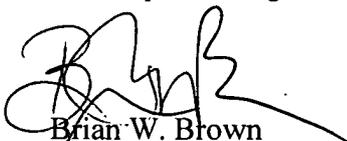
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions



KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
INI, et al.	:	
Application No. 12/387,913	:	CORRECTED
Filed: May 8, 2009	:	DECISION ON PETITION
Attorney Docket No. 1662/028022	:	TO MAKE SPECIAL
	:	37 CFR 1.102

This is a corrected decision on the petition under 37 CFR 1.102, filed August 16, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010). A Request for Corrected Decision on Petition to Make Special was filed September 22, 2010 requesting a corrected decision. The above-identified bibliographic data corrects for inadvertent error in the bibliographic data identified in the original decision mailed September 3, 2010.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
- a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
- b) identifies, by application number if available, the application that is being expressly abandoned;
- c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
- d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

A handwritten signature in black ink, appearing to read 'B. W. Brown', with a long horizontal flourish extending to the right.

Brian W. Brown
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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**AT& T LEGAL DEPARTMENT - MONKA
ATTN: PATENT DOCKETING
ROOM 2A - 207
ONE AT & T WAY
BEDMINSTER NJ 07921**

MAILED

SEP 13 2010

**OFFICE OF PETITIONS
ON PETITION**

In re Application of :
Spatscheck et al. :
Application No. 12/387,931 :
Filed: May 8, 2009 :
Attorney Docket No. 2008-1198 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings, (2) the petition fee of \$1620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2465 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

ITW/PA



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 1662/028021)

In re Application of:)	
)	
Sigalit Levi et al.)	Examiner: Loewe, Sun Jae Y
)	
Serial No.: 12/387,945)	Group Art Unit: 1626
)	
Filed: May 8, 2009)	Confirmation No. 6701
)	
For: Carvedilol phosphate)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 12, 2010 Signature: *Neil H. Benowitz*
Neil H. Benowitz

Petition to Make Special Under 37 CFR 1.102(d)

Sir:

Applicants petition that the instant application be made special under the Patent Application Backlog Reduction Stimulus Plan (75 FR 36063 (June 24, 2010)). The petition is according to 37 CFR 1.102(d). This petition to make special is based on the express abandonment of another copending application according to 37 CFR 1.138(a).

The copending application that is expressly abandoned is application no. 12/245,432, filed on October 3, 2008. A copy of the letter of express abandonment for the copending application is attached. The instant application for which special status is sought and the copending application are commonly owned by Teva Pharmaceuticals Industries LTD. The assignment records can be found in reel 024797 frame 0486 for the instant application, and on reel 022076 frame 0889 for the copending application.

Applicants have not filed a petition to make special under the Patent Application Backlog Reduction Stimulus Plan in more than 14 other applications. In addition, Applicants agree to make an election without traverse in a telephonic interview if special status is granted to the instant application.

The petition fee of \$130.00 under 37 CFR 1.102(d) and 37 CFR 1.17(h) is waived under this plan. However, if the petition fee or any other fees are due, which may be required for the filing of this petition, please charge the fees to Kenyon & Kenyon, LLP Deposit Account No. 11-0600.

Respectfully Submitted,

Dated: August 12, 2010

By:



Joseph A. Coppola

(Reg. No. 38,413)

One Broadway

New York, New York 10004

(212) 425-7200

(212) 425-5288 (Fax)

CUSTOMER NUMBER 26646



KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED
SEP 30 2010
OFFICE OF PETITIONS

In re Application of	:	
LEVI	:	DECISION ON PETITION
Application No. 12/387,945	:	TO MAKE SPECIAL
Filed: May 8, 2009	:	37 CFR 1.102
Attorney Docket No. 1662/028021	:	

This is a decision on the petition under 37 CFR 1.102, filed August 16, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

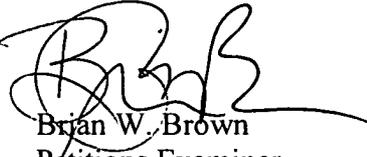
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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OFFICE OF PETITIONS

DIAZ AND ASSOCIATES
4100 W. ELDORADO PARKWAY, SUITE 100 # 432
MCKINNEY TX 75070

In re Application of :
Girish Chiruvolu :
Application Number: 12/387,992 : DECISION ON PETITIONS
Filing or 371(c) Date: 05/11/2009 : UNDER 37 CFR 1.78(a)(3) and (a)(6)
Attorney Docket Number: 5219-0002 :

This is a decision on the PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120 FOR THE BENEFIT OF A PRIOR FILED APPLICATION AND AMENDMENT filed on July 29, 2011, which is treated as a petition filed under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional 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 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment 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. § 119(e) and/or § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) and/or § 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).

Accordingly, before the petition under 37 CFR 1.78(a)(3) and (a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(3) and (a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, 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

A reply may also be filed via the EFS-Web System of the USPTO.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Christopher Bottorff
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIAZ AND ASSOCIATES
4100 W. ELDORADO PARKWAY, SUITE 100 # 432
MCKINNEY TX 75070

MAILED

SEP 08 2011

OFFICE OF PETITIONS

In re Application of :
Girish Chiruvolu :
Application No. 12/387,992 : **DECISION ON PETITIONS**
Filed: 5/11/2009 : **UNDER 37 CFR 1.78(a)(3) AND (a)(6)**
Attorney Docket No. 5219-0002 :

This is a decision on the petition filed on August 16, 2011, which is treated as a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), 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 petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional or international applications 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 applications.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2437 for consideration by the examiner of the claim under 35 U.S.C. §§120 and 119(e) of the prior-filed nonprovisional and provisional applications.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

ATTACHMENT : Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/387,992, 05/11/2009, 2437, 545, 5219-0002, 20, 3

CONFIRMATION NO. 5270

CORRECTED FILING RECEIPT

28777
Diaz and Associates
4100 W. Eldorado Parkway, Suite 100 # 432
McKinney, TX 75070



Date Mailed: 09/08/2011

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)

Girish Chiruvolu, Plano, TX;

Power of Attorney: The patent practitioners associated with Customer Number 28777

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/127,323 05/12/2008
and claims benefit of 61/128,800 05/23/2008
and is a CIP of 11/876,006 10/22/2007
which claims benefit of 60/855,179 10/30/2006
and claims benefit of 60/928,793 05/11/2007
and claims benefit of 60/928,794 05/11/2007

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/21/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/387,992

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Authentication system and method

Preliminary Class

726

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/388,010	02/18/2009	Yi Ding	81187600	1721

36865 7590 03/26/2012
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER

ELNOUBI, ABDELRAHMAN SAID

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
03/26/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of: :
DING, YI et al :
Serial No.: 12/388,010 :
Filed: May 11, 2010 : DECISION ON PETITION
Docket: 114-12P003CIP :
Title: VENTURI BASED OCEAN WAVE :
ENERGY CONVERSION SYSTEM :

This is a decision on the petitions filed on March 20, 2012 seeking to withdraw the final rejection mailed on January 20, 2012 and issue a new Office action. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is **Granted**.

In the March 20, 2012 petition, the petitioner requests the rejections of the final Office action of January 20, 2012 be withdrawn because the petitioner believes the examiner's rejections of claims based on Surnilla reference are improper. The prior art patent or patent publication to Surnilla was never identified in any Office actions. Petitioner also requests issuance of a new Office action with proper identification of the prior art reference.

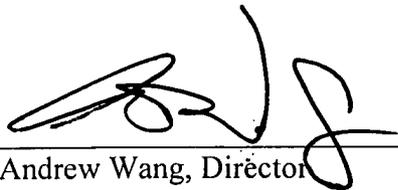
In finding petitioner's points of argument persuasive, the requested relief is granted. As such, the finality of the Office action issued on March 20, 2012 is hereby withdrawn. It is noted that the examiner did not answer the applicant's arguments regarding Surnilla patent as stated at the bottom of page 11 of the Remarks filed on November 21, 2011. Since the finality is being withdrawn, any response filed in response to the Office action of January 20, 2012 will be treated as a 37 CFR § 1.111 amendment.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3748 for consideration of the Remarks filed on November 21, 2011 and preparation of a new Office action in due course. In particular, the examiner is directed and urged to fully answer the applicant's arguments as raised at the bottom of page 11 of the Remarks filed on November 21, 2011 regarding the Surnilla reference against the claims under 35 U.S.C. 103.

Application Serial No. 12/88,010
Decision on Petition

Any inquiry regarding this decision should be directed to Henry C. Yuen, Supervisory Patent Examiner, at (571) 272-4856.

PETITION GRANTED.

A handwritten signature in black ink, appearing to read 'Andrew Wang', is written over a horizontal line.

Andrew Wang, Director
Technology Center 3700



**O'BRIEN JONES, PLLC
1951 KIDWELL DRIVE
SUITE 550 B
TYSONS CORNER VA 22182**

**MAILED
OCT 12 2010
OFFICE OF PETITIONS**

In re Application of :
KO, Mao-Chuan :
Application No. 12/388,021 : **DECISION ON PETITION**
Filed: February 18, 2009 : **TO WITHDRAW**
Attorney Docket No. **1055.0001-00000** : **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 17, 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 name 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: **J.A. LINDEMAN & CO. PLLC**
3190 FAIRVIEW PARK DRIVE
SUITE 480
FALLS CHURCH, VA 22042



UNITED STATES PATENT AND TRADEMARK 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/388,023, 02/18/2009, Yasuaki Suzuki, 338509US26, 1742

Table with 1 column: EXAMINER

7590 08/30/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Table with 2 columns: ART UNIT, PAPER NUMBER

3656

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE

08/30/2010 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 Farnes
Patent Publication Branch
Office of Data Management

Refund Ref: 12/388023 338509US26
Credit Card Refund Total: \$540.00

adjustment date: 08/27/2010
027087603 INTERCOM 00000134 12368803
02 FD1111 -540.00 00



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : December 27, 2011

In re Application of :

Kelly Slough

Application No : 12388079

Filed : 18-Feb-2009

Attorney Docket No : 046185-0120

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 27, 2011

The request is **APPROVED**.

The request was signed by Hunter, Paul (registration no. 44787) on behalf of all attorneys/agents associated with Customer Number 23524 . All attorneys/agents associated with Customer Number 23524 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 DOUBLE FUSION INC.
Name2
Address 1 2434 MAIN STREET
Address 2 SUITE 202
City SANTA MONICA
State CA
Postal Code 90405
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12388079	
Filing Date	18-Feb-2009	
First Named Inventor	Kelly Slough	
Art Unit	3682	
Examiner Name	ARTHUR DURAN	
Attorney Docket Number	046185-0120	
Title	OVERLAY CONTENT IN A GAMING ENVIRONMENT	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		23524
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	DOUBLE FUSION INC.	
Address	2434 MAIN STREET SUITE 202	
City	SANTA MONICA	
State	CA	
Postal Code	90405	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Hunter, Paul/
Name	Hunter, Paul
Registration Number	44787



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED

FEB 07 2011

OFFICE OF PETITIONS

In re Application of
Tomoya Ichikawa et al
Application No. 12/388,120
Filed: February 18, 2009
Attorney Docket No. 069401-5017US

:
:
: 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 4, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on January 12, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12388121	
Filing Date	18-Feb-2009	
First Named Inventor	David Simons	
Art Unit	2191	
Examiner Name	ADAM BANES	
Attorney Docket Number	046185-0121	
Title	APPARATUS AND METHOD FOR SERVICE-ENABLING COMPUTER PROGRAMS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		23524
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	DOUBLE FUSION INC.	
Address	2434 MAIN STREET SUITE 202	
City	SANTA MONICA	
State	CA	
Postal Code	90405	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Hunter, Paul/
Name	Hunter, Paul
Registration Number	44787



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : December 27, 2011

In re Application of :

David Simons

Application No : 12388121

Filed : 18-Feb-2009

Attorney Docket No : 046185-0121

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 27, 2011

The request is **APPROVED**.

The request was signed by Hunter, Paul (registration no. 44787) on behalf of all attorneys/agents associated with Customer Number 23524. All attorneys/agents associated with Customer Number 23524 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 DOUBLE FUSION INC.
Name2
Address 1 2434 MAIN STREET
Address 2 SUITE 202
City SANTA MONICA
State CA
Postal Code 90405
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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United States Patent and Trademark Office
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**ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024**

**MAILED
MAR 12 2012
OFFICE OF PETITIONS**

In re Application of :
GORDON, et al :
Application No. 12/388,180 :
Filed: February 18, 2009 :
Attorney Docket No. P27646US1 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 20, 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). 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 September 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2464 for processing of the RCE and for appropriate action by the Examiner in the normal course of business.

/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

**FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007**

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of. :
Seyeob Kim :
Application No. 12/388,181 :
Filed: February 18, 2009 :
Attorney Docket No. 078134-0158 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

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 the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ARNOLD & KNOBLICH, LLP
4900 WOODWAY DRIVE
SUITE 900
HOUSTON, TX 77056

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of
Gordon Tibbitts
Application No. 12/388,289
Filed: February 18, 2009
Attorney Docket No. 32316USCIP16

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b), filed February 11, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer Number Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Accordingly, the request cannot be approved because practitioners were appointed by customer number. Practitioners must withdraw in the same manner that they were appointed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PDTI HOLDING, LLC
5611 BAIRD COURT
HOUSTON, TX 77041

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/388,300	Patent Number (if applicable):
First Named Inventor: T. SAKAZUME et al	Title of Invention: AUTOMATIC ANALYZER AND ANALYSIS SYSTEM USING PHOTOMULTIPLIER TUBE

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 July 20, 2011
Name (Print/Typed) Shrinath Malur	Practitioner Registration Number 34,663
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED
JUL 25 2011
OFFICE OF PETITIONS

In re Application of :
Sakazume et al. :
Application No. 12/388,300 : **DECISION ON PETITION**
Filed: February 18, 2009 :
Attorney Docket No. KAS-6987 :

This is a decision on the request filed July 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 February 10, 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 1773 for re-mailing the Office action of February 10, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/388,303	02/18/2009	Sheng-Yuan Hsu	2008EM098	1224
34477	7590	08/16/2011	EXAMINER	
ExxonMobil Upstream Research Company P.O. Box 2189 (CORP-URC-SW 359) Houston, TX 77252-2189			RAYMOND, EDWARD	
			ART UNIT	PAPER NUMBER
			2857	
			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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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ExxonMobil Upstream Research Company
P.O. Box 2189
(CORP-URC-SW 359)
Houston, TX 77252-2189

In re Application of
HSU et al. : DECISION ON PETITION
Application No. 12/388,303 : UNDER 37 CFR 1.84
Filed February 18, 2009
Attorney Docket No. 2008EM098

This decision is in response to the petition filed February 18, 2009 in the above-identified application. Petitioner requests that color drawings be accepted in accordance with 37 C.F.R. 1.84(a)(2).

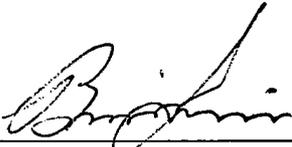
The petition is GRANTED.

The petition states that color drawings are necessary in order to completely and accurately represent the invention.

The petition complies with 37 C.F.R. 1.84(a)(2) in that it was accompanied by (1) the appropriate fee and (2) three sets of color drawings. The specification further includes the required text language set forth in 37 C.F.R. 1.84 (a)(2)(iii).

The papers filed on February 18, 2009 fulfill the requirements set forth in 37 C.F.R. 1.84(a)(2) and the petition is GRANTED.

Telephone inquires concerning this decision should be directed to Drew A. Dunn at 571-272-2312.

For 

Drew A. Dunn
Supervisory Patent Examiner
Art Unit 2857
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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FLIESLER MEYER, LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of :
Rakesh Saha, et. al. :
Application No. 12/388,314 : **DECISION ON PETITION**
Filed: February 18, 2009 : **TO WITHDRAW FROM**
Attorney Docket No. ORACL-05167US1 : **RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed May 4, 2011.

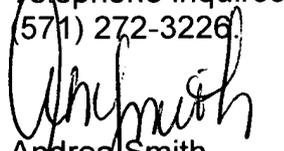
The request is **MOOT**.

A review of the file record indicates that power of attorney to Customer Number 82976 was revoked by the assignee of the above application on May 16, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

There is an Office action mailed May 17, 2011, that requires a reply from the applicant.

All future communications from the Office will be directed to the address listed below until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: North Weber & Baugh LLP - - ORACLE
2479 E. Bayshore Road, Suite 707
Palo Alto, CA 94303



UNITED STATES PATENT AND TRADEMARK 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
12/388,314	02/18/2009	Rakesh Saha	ORACL-05167US1

CONFIRMATION NO. 1243

POA ACCEPTANCE LETTER



80548
FLIESLER MEYER LLP
650 CALIFORNIA STREET
14TH FLOOR
SAN FRANCISCO, CA 94108

Date Mailed: 05/27/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/16/2011.

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.

/hchristian/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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LEE & HAYES, PLLC
601 W RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

MAILED
OCT 27 2011
OFFICE OF PETITIONS

In re Application of :
Domagoj Siprak, et al. :
Application No.: 12/388,339 : ON PETITION
Filed: February 18, 2009 :
Attorney Docket No.: IN2-0028US :

This is a decision on the petition, filed October 26, 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 October 12, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2816 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731**

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of
Elkhatib et al.
Application No. 12/388,383
Filed: February 18, 2009
Attorney Docket No. 265738

:
:
: **DECISION ON PETITIONS**
:
:

This is a decision on the petitions under 37 CFR 1.182, filed May 20, 2011, to change the order of the names of the inventors and to expedite processing of the petition to change the order of the names of the inventors.

The petition to expedite is **GRANTED**.

The requisite \$400.00 fee for the petition to expedite processing under 37 CFR 1.182 submitted May 20, 2011 has been accepted.

The petition to change the order of the names of the inventors is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Hecham K. Elkhatib
2. James L. McGrath
3. David W. Mendenhall
4. William J. MacKillop
5. Alan A. Raclawski

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.

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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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/388,383, 02/18/2009, 2839, 2012, 265738, 23, 4

CONFIRMATION NO. 1360

CORRECTED FILING RECEIPT

23460
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731



Date Mailed: 06/08/2011

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)

Hecham K. Elkhatib, Aurora, IL;
James L. McGrath, Bloomingdale, IL;
David W. Mendenhall, Naperville, IL;
William J. MacKillop, Wheaton, IL;
Alan A. Raclawski, Schaumburg, IL;

Assignment For Published Patent Application

Cinch Connectors, Inc., Lombard, IL

Power of Attorney: The patent practitioners associated with Customer Number 23460

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

Permission to Access - A proper Authorization to Permit Access to Application by Participating Offices (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 02/27/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/388,383

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ELECTRICAL CONNECTOR

Preliminary Class

439

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APR 05 2011

OFFICE OF PETITIONS

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

In re Application of Broyles :
Application No. 12/388,440 : Decision on Petitions Under
Filing Date: February 18, 2009 : 37 CFR 1.78(a)(3) and (a)(6)
Attorney Docket No. 649.004 :

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed February 22, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) The reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) The surcharge set forth in § 1.17(t); and
- (3) A statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application(s) as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application(s) claiming the benefit of the prior-filed provisional application(s) must have been filed within twelve months of the filing date of the prior-filed provisional application(s).

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 and 119(e) is accepted as being unintentionally delayed.¹

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120, 37 C.F.R. §§ 1.78(a)(1) and (a)(2), 35 U.S.C. § 119(e), and 37 C.F.R. §§ 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

The application is being forwarded to Technology Center Art Unit 1633 for consideration by the examiner of the claim of priority under 35 U.S.C. § 120 to Application No. 11/369,179 and the claim under 35 U.S.C. § 119(e) for the benefit of priority to Application No. 60/658,803.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

¹ 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Although the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§ 1.78(a)(3) and 1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/388,440, 02/18/2009, 1633, 1214, 649.004, 32, 7

CONFIRMATION NO. 1477

CORRECTED FILING RECEIPT

30589
DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113



Date Mailed: 04/04/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Robert H. Broyles, Oklahoma City, OK;

Power of Attorney: The patent practitioners associated with Customer Number 30589

Domestic Priority data as claimed by applicant

This application is a CIP of 10/003,669 11/01/2001 PAT 7,517,669
and is a CIP of 11/369,179 03/06/2006 PAT 7,718,699
which claims benefit of 60/658,803 03/04/2005

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

Permission to Access - A proper Authorization to Permit Access to Application by Participating Offices (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 03/23/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/388,440

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Method for Regulating Production of Hemoglobin Beta Chains

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/388,505	02/18/2009	Lisa R. Singer	6566-105	1602
36412	7590	09/17/2010	EXAMINER	
DUCKOR SPRADLING METZGER & WYNNE A LAW CORPORATION 3043 4th Ave. SAN DIEGO, CA 92103			NGUYEN, TRINH T	
			ART UNIT	PAPER NUMBER
			3644	
			NOTIFICATION DATE	DELIVERY MODE
			09/17/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@dsmwlaw.com
kleinke@dsmwlaw.com
obrien@dsmwlaw.com



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DUCKOR SPRADLING METZGER & WYNNE
A LAW CORPORATION
3043 4th AVENUE
SAN DIEGO, CA 92103

In re application of	:	
Lisa R. Singer	:	DECISION ON PETITION
Application No. 12/388,505	:	TO MAKE SPECIAL FOR
Filed: February 18, 2009	:	NEW APPLICATION
For: GARDEN BED ASSEMBLY AND	:	UNDER 37 CFR 1.102
METHOD AND KIT THEREFOR	:	

This is a decision on the petition filed on August 31, 2010 to make the above-identified application special for Infringement 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) and 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), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination”, 71 Fed. Reg. 36,323 (Jun. 26, 2006)

The relevant portions of the Accelerated Examination Notice are as follows:

Supplementary Information:

...
The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, **infringement**, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice.

A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice.

...
Part I. Requirements for Petitions to Make Special under Accelerated Examination:

A new application may be granted accelerated examination status under the following conditions:

- (1) The application **must be filed with a petition** to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism.

Decision

The petition to make special for Infringement under 37 C.F.R. § 1.102(d) is not acceptable at least because it was not filed with the application as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was

filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on August 31, 2010, the petition must be considered under the new guidelines and thus is properly **DENIED**.

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 Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

Teri P. Luu/
Teri P. Luu,
Quality Assurance Specialist
Technology Center 3600

TL: 09/15/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/388,632	02/19/2009	Yoshinaga KATAYAMA	09105/LH	1829
1933	7590	03/11/2011	EXAMINER	
HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			BULLOCK JR, LEWIS ALEXANDER	
			ART UNIT	PAPER NUMBER
			2193	
			MAIL DATE	DELIVERY MODE
			03/11/2011	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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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of: Y. KATAYAMA
Application No. 12/388,632
Attorney Docket #: 09105/LH
Filed: February 19, 2009
For: ELECTRONIC CALCULATOR WITH A
FORMULA DISPLAY FUNCTION

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 16, 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



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MAILED

OCT 03 2011

OFFICE OF PETITIONS

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON, DE 19805

In re Application of :
Paul Roger Kust :
Application No. 12/388,640 : **ON PETITION**
Filed: February 19, 2009 :
Attorney Docket No.: IJ0203USNA :

This is a decision on 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 a failure to reply in a timely manner to the non-final Office action mailed December 27, 2010. A Notice of Abandonment was mailed on August 4, 2011. On September 23, 2011, petitioner submitted the present petition, 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 \$1,620; 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 with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the \$1,110 extension fees are being credited to counsel's deposit account.

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.

The application file is being forwarded to Technology Center AU 1762 for consideration of the amendment filed September 23, 2011.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,970,011 B2

PAGE 1 **of** 1

DATED : June 28, 2011

INVENTOR(S) : William S. Carlson 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 face of the Patent, in the Related U.S. Application Data (63) section, after "Continuation of application No. 10/410,878, filed on Apr. 9, 2003, now Pat. No. 7,499,453" insert --, which claims benefit of Application No. 60/371,213, filed on Apr. 9, 2002, and is a CIP of Application No. 09/800,674, filed on Mar. 7, 2001, now Pat. No. 6,845,106, which claims benefit of Application No. 60/205,963, filed on May 19, 2000--.

MAILING ADDRESS OF SENDER:

Merchant & Gould P.C.
Attn: D. Kent Stier
P.O. Box 2903

Minneapolis, MN 55402-0903

PATENT NO. 7,970,011 B2

Docket No. 60374.0028USCA/
968830

No. of add'l copies 0

62658

PATENT TRADEMARK OFFICE

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110902

DATE : September 02, 2011

TO SPE OF : ART UNIT 2473

SUBJECT : Request for Certificate of Correction on Patent No.: 7970011

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:

/KWANG B YAO/
Supervisory Patent Examiner, Art Unit 2473

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HASDI R. HASHIM

Serial No.: 12388708

Filed: February 19, 2009

For: FUEL STORAGE SYSTEM AND METHOD FOR DETECTING
A GAS PRESSURE THEREIN

Group Art Unit: 2858

Examiner: Unknown

Attorney Docket No.: 81186465

**STATEMENT SUPPORTING ELIGIBILITY 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 apparent from the specification, the above-identified application addresses issues, for example, related to determining the pressure/temperature inside hydrogen storage tanks of fuel cell vehicles (see, e.g., Application, p. 3, ll. 8-30), thereby making fuel cell vehicles more practical. As such, the claimed invention materially contributes to conservation of energy resources and/or 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,

HASDI R. HASHIM

By: /Benjamin C. Stasa/
Benjamin C. Stasa
Reg. No. 55644
Attorney for Applicant

Date: March 16, 2011

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351

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: 81186465	Application Number (if known): 12388708	Filing date: February 19, 2009
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First Named Inventor: Hasdi R. Hashim

Title: FUEL STORAGE SYSTEM AND METHOD FOR DETECTING A GAS PRESSURE THEREIN

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

- By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: _____

Signature /Benjamin C. Stasa/	Date 2011-03-16
-------------------------------	-----------------

Name (Print/Typed) Benjamin C. Stasa	Registration Number 55644
--------------------------------------	---------------------------

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.



UNITED STATES PATENT AND TRADEMARK 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.
12/388,708	02/19/2009	Hasdi R. Hashim	81186465	1946
28395	7590	03/29/2011	EXAMINER	
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			RHODES-VIVOUR, TEMILADE	
			ART UNIT	PAPER NUMBER
			2858	
			MAIL DATE	DELIVERY MODE
			03/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
HASHIM et al.	:	DECISION ON PETITION
Application No. 12/388,708	:	TO MAKE SPECIAL UNDER
Filed: February 19, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81186465	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 17, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to a green technology. Any argument that the claimed invention can be used with fuel cell vehicles is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

Dongkyun Ko

Application No : 12388771

Filed : 19-Feb-2009

Attorney Docket No : ASEG-029/01US 307632-2061

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED**.

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Customer Number 58249 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 Advanced Semiconductor Engineering, Inc.
Name2 c/o Foley & Lardner
Address 1 975 Page Mill Road
Address 2
City Palo Alto
State CA
Postal Code 94304
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12388771	
Filing Date	19-Feb-2009	
First Named Inventor	Dongkyun Ko	
Art Unit	2835	
Examiner Name	ANDARGIE AYCHILLHUM	
Attorney Docket Number	ASEG-029/01US 307632-2061	
Title	CHIP PACKAGE AND MANUFACTURING METHOD THEREOF	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		58249 <hr style="width: 100px; margin-left: auto; margin-right: 0;"/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner	
Address	975 Page Mill Road	
City	Palo Alto	
State	CA	
Postal Code	94304	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/08/11
TO SPE OF : ART UNIT 2892
SUBJECT : Request for Certificate of Correction for Appl. No.: 12388866 Patent No.: 7936029

CofC mailroom date: 06/28/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**



Note:

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

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

Thao X. Le/ _____ 2892 _____

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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WATSON & ROUNDS
5371 KIETZKE LANE
RENO, NV 89511

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of :
Benny Sum :
Application No. 12/388,905 : LETTER
Filed: February 19, 2009 :
Attorney Docket No. 5463.04B :

This is a letter in response to the communication filed May 24, 2010, in regards to the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b).

The request filed January 14, 2010, was **NOT APPROVED** because it is moot.

A review of the file record indicates that Dickinson Wright PLLC was revoked as power of attorney by the assignee of the patent application on February 17, 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 above-listed.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.


Alicia Kelley
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2832-0569PUS1

Application Number (if known): 12/388,913

Filing date: February 19, 2009

First Named Inventor: Jong Dae KIM

Title: METHOD OF ETCHING ASYMMETRIC WAFER, SOLAR CELL INCLUDING THE ASYMMETRICALLY ETCHED WAFER, AND METHO

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

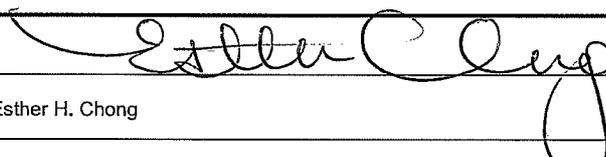
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature



Date: AUG - 2 2010

Name (Print/Typed): Esther H. Chong

Registration Number: 40,953

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No.: 2832-0569PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Jong Dae KIM et al.

Application No.: 12/388,913

Confirmation No.: 2320

Filed: February 19, 2009

Art Unit: 1795

For: METHOD OF ETCHING ASYMMETRIC
WAFER, SOLAR CELL INCLUDING THE
ASYMMETRICALLY ETCHED WAFER,
AND METHOD OF MANUFACTURING
THE SAME

Examiner: Basia Anna Ridley

**STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a solar cell.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

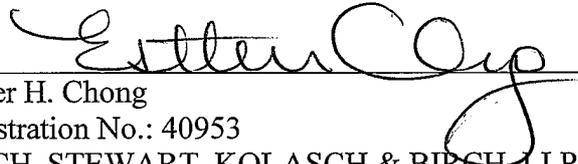
Accordingly, it is respectfully requested that the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: **AUG - 2 2010**

Respectfully submitted,

By 
Esther H. Chong
Registration No.: 40953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/388,913	02/19/2009	Jong-Dac KIM	2832-0569PUS1	2320
2292	7590	08/17/2010	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			RIDLEY, BASIA ANNA	
			ART UNIT	PAPER NUMBER
			1795	
			NOTIFICATION DATE	DELIVERY MODE
			08/17/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

AUG 17 2010

In re Application of	:	
Jong-Dae Kim et al.	:	DECISION ON PETITION
Application No. 12/388,913	:	TO MAKE SPECIAL UNDER
Filed: February 19, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2832-0569PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 02, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

John Cox

Application No : 12388959

Filed : 19-Feb-2009

Attorney Docket No : 33939/22

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 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		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12388959	
Filing Date	19-Feb-2009	
First Named Inventor	John Cox	
Art Unit	3733	
Examiner Name	LYNNSY SCHNEIDER	
Attorney Docket Number	33939/22	
Title	CURVED FACET JOINT FIXATION ASSEMBLY AND ASSOCIATED IMPLANTATION TOOL AND METHOD	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32642 _____
The reason(s) for this request are those described in 37 CFR:		
10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to:		
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		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
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/388,999	02/19/2009	Toshiya HASHIMOTO	12699/117	2461
23838	7590	08/31/2010	EXAMINER	
KENYON & KENYON LLP			RESTIFO, JEFFREY J	
1500 K STREET N.W.			ART UNIT	PAPER NUMBER
SUITE 700			3618	
WASHINGTON, DC 20005			MAIL DATE	DELIVERY MODE
			08/31/2010	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

AUG 31 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re application of
Toshiya Hashimoto
Application No. 12/388,999
Filed: February 19, 2009
For: HYBRID VEHICLE AND CONTROL
METHOD OF HYBRID VEHICLE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 21, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the amendment filed on July 21, 2010, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 08/31/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NIXON PEABODY, LLP
300 S. RIVERSIDE PLAZA, 16TH FLOOR
CHICAGO IL 60606-6613

MAILED
JAN 19 2012
OFFICE OF PETITIONS

In re Application of :
Leif Steen Johansen et al :
Application No. 12/389,011 : DECISION ON PETITION
Filed: February 19, 2009 : UNDER 37 CFR 1.313(c)
Attorney Docket No. 037343-000115USPT :

This is a decision on the petition under 37 CFR 1.313(c), filed January 10, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on January 5, 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

Additionally, since the RCE and the Issue Fee were filed on the same day, the RCE was not filed before payment of the issue fee. In accordance with 37 CFR 1.114(a)(1), applicant **does** need a petition to withdraw from issue. Thus, the above petition to withdraw from issue for consideration of the RCE is granted.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2892 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the IDS filed January 5, 2012.

/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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DUANE MORRIS LLP - DC
505 9TH STREET
SUITE 1000
WASHINGTON DC 20004-2166

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of :
Bottger, et al. :
Application No. 12/389,068 : DECISION ON PETITION
Filed: February 19, 2009 : UNDER 37 CFR 1.55(c)
Attorney Docket No. BOE01 110 :

This is a decision on the petition under 37 CFR 1.55(c), filed November 3, 2009, and supplemented on December 15, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign German Application No. 10 2008 064 131.6, filed March 5, 2008.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a proper reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) **the claim submitted with the petition** must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) 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); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the "claim submitted the petition" was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). While the claim was submitted previously in the declaration and ADS filed on February 19, 2009, 37 CFR 1.55(c) (2) requires that the claim must be submitted with the petition. Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. Note MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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 Petitions Attorney Cliff Congo at (571) 272-3207.



Chris Bottorff
Supervisory 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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DUANE MORRIS LLP - DC
505 9TH STREET
SUITE 1000
WASHINGTON DC 20004-2166

MAILED

NOV 10 2010

OFFICE OF PETITIONS

In re Application of :
Bottger, et al. :
Application No. 12/389,068 : DECISION ON PETITION
Filed: February 19, 2009 : UNDER 37 CFR 1.55(c)
Attorney Docket No. BOE01 110 :

This is a decision on the renewed petition under 37 CFR 1.55(c), filed October 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign German Application No. 10 2008 064 131.6, filed March 5, 2008.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a proper reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) 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); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

Applicant filed a petition under 37 CFR 1.55(c) on November 3, 2009 and December 15, 2009. However, these petitions were dismissed in a decision mailed on September 13, 2010. The decision noted that a review of the file record failed to disclose that the "claim submitted the petition" was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). While the claim was submitted previously in the declaration and ADS filed on February 19, 2009, 37 CFR 1.55(c) (2) requires that the claim must be submitted with the petition. Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. Note MPEP 201.14. Accordingly, applicant was requested to submit a renewed petition together with an oath or declaration or an ADS.

With the instant renewed petition, applicant has submitted an ADS. However, the ADS is not proper because it does not contain a signature, and as such, does not comply with 37 CFR 1.4(d).

Any renewed petition 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 Petitions Attorney Cliff Congo at (571) 272-3207.


Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DUANE MORRIS LLP - DC
505 9TH STREET
SUITE 1000
WASHINGTON DC 20004-2166

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of :
Bottger, et al. :
Application No. 12/389,068 : DECISION ON PETITION
Filed: February 19, 2009 : UNDER 37 CFR 1.55(c)
Attorney Docket No. BOE01 110 :

This is a decision on the renewed petition under 37 CFR 1.55(c), filed November 17, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign German Application No. 10 2008 064 131.6, filed March 5, 2008.

The petition is **GRANTED**.

This application was filed after November 29, 2000, and did not include a proper reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) 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); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

Applicant filed a petition under 37 CFR 1.55(c) on November 3, 2009 and December 15, 2009. However, these petitions were dismissed in a decision mailed on September 13, 2010. The decision noted that a review of the file record failed to disclose that the "claim submitted the petition" was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). While the claim was submitted previously in the declaration and ADS filed on February 19, 2009, 37 CFR 1.55(c) (2) requires that the claim must be submitted with the petition. Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. Note MPEP 201.14. Accordingly, applicant was requested to submit a renewed petition together with an oath or declaration or an ADS.

On renewed petition filed October 6, 2010, applicant submitted an ADS. However, in a decision mailed on November 10, 2010, the Office noted that the ADS was not proper because it did not contain a signature, and as such, did not comply with 37 CFR 1.4(d).

With the instant renewed petition, applicant has submitted an ADS containing a signature.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that the instant application is entitled to the benefit 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 and 37 CFR 1.55 must be met. Accordingly, the examiner will, in due course, consider the benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

The application is being forwarded to Group Art Unit 2834 for consideration of the foreign priority claim set forth in the ADS filed November 17, 2010.

Any questions concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.



Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

Enc: 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
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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
12/389,068	02/19/2009	2834	1090	BOE01 110	20	1

CONFIRMATION NO. 2574

CORRECTED FILING RECEIPT



39290
DUANE MORRIS LLP - DC
505 9th Street
Suite 1000
WASHINGTON, DC 20004-2166

Date Mailed: 12/22/2010

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)

Axel BOTTGER, Dresden, GERMANY;
Ullrich Kreiensen, Deisslingen, GERMANY;

Assignment For Published Patent Application

Minebea Co., Ltd., Kitasaku-gun, Nagano, JAPAN

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 102008012680.2 03/05/2008
GERMANY 102008064131.6 12/19/2008

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 12/389,068**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ELECTRIC MACHINE

Preliminary Class

310

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

SEP 08 2010

In re Application of : **OFFICE OF PETITIONS**
Abbott :
Application No. 12/389,187 : DECISION ON PETITION
Filed: February 19, 2009 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.137(B)
M1103.70783US00 :
Title: SUPPLYING ENHANCED :
COMPUTER USER'S CONTEXT DATA

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed May 12, 2010, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed March 3, 2009, which set a shortened statutory period for reply of two months. A response was received on July 6, 2009, along with a two-month extension of time under the provisions of 37 C.F.R. § 1.136(a) (July 3, 2009 fell on a federal holiday, and July 5, 2009 fell on a Sunday). A notice of incomplete reply was mailed on July 14, 2009, which did not extend the period of time that was set by the notice of March 3, 2009. No response was received, and no further 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 4, 2009. A notice of abandonment was mailed on March 12, 2010.

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;

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

- (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 replacement drawings, the petition fee, and the proper statement of unintentional delay.

The second and third requirements of Rule 1.137(b) have been satisfied. The fourth requirement is not applicable, as a terminal disclaimer is not required.¹

The electronic file has been reviewed, and an amendment directing the entry of the replacement drawings has not been located. It follows that the first requirement of Rule 1.137(b) has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is the reply 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 amendment which directs the entry of the replacement drawings.³

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.137(b)." 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 Shanowski, and may be submitted by mail,⁴ hand-delivery,⁵ or facsimile.⁶ Registered

¹ See Rule 1.137(d).

² See M.P.E.P. § 711.03(c).

³ 37 C.F.R. 1.121(a) sets forth, *in toto*: "[a]mendments in applications, other than reissue applications, are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made."

⁴ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁷

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁸

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

6 (571) 273-8300 - please note this is a central facsimile number.

7 <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>

8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any 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
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Paper No.

WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

JAN 04 2011

In re Application of :
Abbott :
Application No. 12/389,187 : DECISION ON RENEWED PETITION
Filed: February 19, 2009 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.137(B)
M1103.70783US00 :
Title: SUPPLYING ENHANCED :
COMPUTER USER'S CONTEXT DATA :

OFFICE OF PETITIONS

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed November 8, 2010, to revive the above-identified application.

This renewed 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 to File Corrected Application Papers, mailed March 3, 2009, which set a shortened statutory period for reply of two months. A response was received on July 6, 2009, along with a two-month extension of time under the provisions of 37 C.F.R. § 1.136(a) (July 3, 2009 fell on a federal holiday, and July 5, 2009 fell on a Sunday). A notice of incomplete reply was mailed on July 14, 2009, which did not extend the period of time that was set by the notice of March 3, 2009. No response was received, and no further 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 4, 2009. A notice of abandonment was mailed on March 12, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

- 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.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on May 12, 2010, along with replacement drawings, the petition fee, and the proper statement of unintentional delay. The original petition pursuant to Rule 1.137(b) was dismissed via the mailing of a decision on September 8, 2010, which indicated that the second and third requirements of Rule 1.137(b) have been satisfied, and that the fourth requirement is not applicable, as a terminal disclaimer is not required.¹

With this renewed petition, Petitioner has submitted 25 pages of replacement drawings along with an amendment directing the entry of the same.

It follows that each of the first three requirements of Rule 1.137(b) has been met.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

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 OPAP 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 OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

¹ See Rule 1.137(d).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.²

/Paul Shanoski/
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 any further action(s) of Petitioner.



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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DUANE MORRIS LLP - DC
505 9TH STREET
SUITE 1000
WASHINGTON DC 20004-2166

MAILED
SEP 14 2010
OFFICE OF PETITIONS

In re Application of :
Eppler, et al. :
Application No. 12/389,205 : DECISION ON PETITION
Filed: February 19, 2009 : UNDER 37 CFR 1.55(c)
Attorney Docket No. BOE01 111 :

This is a decision on the petition under 37 CFR 1.55(c), filed November 3, 2009, and supplemented on December 15, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign German Application No. 10 2008 064 131.6, filed March 5, 2008.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a proper reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) **the claim submitted with the petition** must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) 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); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the "claim submitted the petition" was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). While the claim was submitted previously in the declarations filed February 27, 2009 and April 24, 2009, and the ADS filed February 19, 2009, 37 CFR 1.55(c) (2) requires that the claim must be submitted with the petition. Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. Note MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

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 Petitions Attorney Cliff Congo at (571) 272-3207.



Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DUANE MORRIS LLP - DC
505 9TH STREET
SUITE 1000
WASHINGTON DC 20004-2166

MAILED
NOV 10 2010
OFFICE OF PETITIONS

In re Application of :
Eppler, et al. :
Application No. 12/389,205 : DECISION ON PETITION
Filed: February 19, 2009 : UNDER 37 CFR 1.55(c)
Attorney Docket No. BOE01 111 :

This is a decision on the renewed petition under 37 CFR 1.55(c), filed October 6, 2010, and supplemented on November 2, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign German Application No. 10 2008 064 132.4, filed March 5, 2008.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a proper reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) 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); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

Applicant filed a petition under 37 CFR 1.55(c) on November 3, 2009 and December 15, 2009. However, these petitions were dismissed in a decision mailed on September 14, 2010. The decision noted that a review of the file record failed to disclose that the "claim submitted the petition" was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). While the claim was submitted previously in the declarations filed February 27, 2009 and April 24, 2009, and the ADS filed February 19, 2009, 37 CFR 1.55(c) (2) requires that the claim must be submitted with the petition. Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. Note MPEP 201.14. Accordingly, applicant was requested to submit a renewed petition together with an oath or declaration or an ADS.

With the instant renewed petition, applicant has submitted an ADS. However, the ADS is not proper because it does not contain a signature, and as such, does not comply with 37 CFR 1.4(d).

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 Petitions Attorney Cliff Congo at (571) 272-3207.



Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions



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DUANE MORRIS LLP - DC
505 9TH STREET
SUITE 1000
WASHINGTON DC 20004-2166

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of :
Eppler, et al. :
Application No. 12/389,205 : DECISION ON PETITION
Filed: February 19, 2009 : UNDER 37 CFR 1.55(c)
Attorney Docket No. BOE01 111 :

This is a decision on the renewed petition under 37 CFR 1.55(c), filed November 17, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign German Application No. 10 2008 064 132.4, filed March 5, 2008.

The petition is **GRANTED**.

This application was filed after November 29, 2000, and did not include a proper reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) 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); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

Applicant filed a petition under 37 CFR 1.55(c) on November 3, 2009 and December 15, 2009. However, these petitions were dismissed in a decision mailed on September 14, 2010. The decision noted that a review of the file record failed to disclose that the "claim submitted the petition" was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). While the claim was submitted previously in the declarations filed on February 27, 2009 and April 24, 2009 and the ADS filed February 19, 2009, 37 CFR 1.55(c) (2) requires that the claim must be submitted with the petition. Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. Note MPEP 201.14. Accordingly, applicant was requested to submit a renewed petition together with an oath or declaration or an ADS.

On renewed petition filed October 6, 2010 and November 2, 2010, applicant submitted an ADS. However, in a decision mailed on November 10, 2010, the Office noted that the ADS was not proper because it did not contain a signature, and as such, did not comply with 37 CFR 1.4(d).

With the instant renewed petition, applicant has submitted an ADS containing a signature.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that the instant application is entitled to the benefit 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 and 37 CFR 1.55 must be met. Accordingly, the examiner will, in due course, consider the benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

The application is being forwarded to Group Art Unit 2834 for consideration of the foreign priority claim set forth in the ADS filed November 17, 2010.

Any questions concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.


Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

Enc: Corrected Filing Receipt



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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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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/389,205, 02/19/2009, 2834, 1324, BOE01 111, 22, 2

CONFIRMATION NO. 2820

CORRECTED FILING RECEIPT

39290
DUANE MORRIS LLP - DC
505 9th Street
Suite 1000
WASHINGTON, DC 20004-2166



Date Mailed: 12/22/2010

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)

Willi Eppler, Ratshausen, GERMANY;
Ulrich Kreiensen, Deisslingen, GERMANY;
Jurgen Schill, Bad Durrheim, GERMANY;

Assignment For Published Patent Application

Minebea Co., Ltd., Kitasaku-gun, JAPAN

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10 2008 012 680.2 03/05/2008
GERMANY 10 2008 064 132.4 12/19/2008

If Required, Foreign Filing License Granted: 03/05/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/389,205

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ELECTRIC MACHINE

Preliminary Class

310

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

JAN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Lebowitz et al.	:	DECISION ON PETITION
Application No. 12/389,235	:	TO WITHDRAW
Filed: February 19, 2009	:	FROM RECORD
Attorney Docket No. 2008266-0087	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 17, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) was appointed by a specific designation, then the Request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request.

In the instant application, the practitioners were appointed via Customer Number. Therefore, a request to withdraw submitted without providing the appropriate Customer Number cannot be approved.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

The Office will not change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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CHOATE, HALL & STEWART, LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Lebowitz et al.	:	DECISION ON PETITION
Application No. 12/389,235	:	TO WITHDRAW
Filed: February 19, 2009	:	FROM RECORD
Attorney Docket No. 30610/40009B	:	

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 8, 2011.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 24280 was revoked by the assignee of the patent application on April 13, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: MARSHALL, GERSTEIN & BORUN LLP (BIOMARIN)
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Schwager, Raymond A.	:	DECISION ON PETITION
Application No. 12/389,285	:	TO WITHDRAW
Filed: February 19, 2009	:	FROM RECORD
Attorney Docket No. HSEQ.003A	:	

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 31, 2011.

The request is **NOT APPROVED**.

Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with items (1) or (2) of the above certifications. As stated on the request form, if a box is left unchecked, the request will likely not be approved. There is space on the above form for an explanation, if necessary.

There is an outstanding Office action mailed July 21, 2011 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : February 14, 2012

In re Application of :

Sanjay Mistry

Application No : 12389305

Filed : 19-Feb-2009

Attorney Docket No : 026038.0201N1US

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Customer Number 32042 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 27777 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12389305	
Filing Date	19-Feb-2009	
First Named Inventor	Sanjay Mistry	
Art Unit	1653	
Examiner Name	LORA DRISCOLL	
Attorney Docket Number	026038.0201N1US	
Title	POSTPARTUM CELLS DERIVED FROM UMBILICAL CORD TISSUE, AND METHODS OF MAKING AND USING THE SAME	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32042 _____
The reason(s) for this request are those described in 37 CFR:		
10.40(b)(4)		
10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to:		
The 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:		27777 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Scott A. Chambers/	
Name	Scott A. Chamberr	
Registration Number	37573	

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 5/31/2011. 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: 026335-006010US Application Number (if known): 12/389,310 Filing date: 02/19/2009

First Named Inventor: Patrick Weber

Title: Thermal Management method and Device for Solar Concentrator Systems

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: See attached Petition

Signature /Richard T. Ogawa/

Date 09/23/2010

Name (Print/Typed) Richard T. Ogawa

Registration Number 37,692

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.

I hereby certify that this correspondence
is being filed Via EFS-Web with the
USPTO on September 23, 2010.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Patrick Weber et al.

Application No.: 12/389,310

Filed: February 19, 2009

For:
METHOD AND APPARATUS FOR
MANUFACTURING SOLAR
CONCENTRATORS USING GLASS
PROCESS

Customer No.: 83275

Attorney Docket No.: : 025902-006010US

Confirmation No. 3007

Examiner:

Technology Center/Art Unit:

Petition to Make Special Under the Green
Technology Pilot Program

Date: September 23, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above identified application.

STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The application is a non-reissue, non-provisional utility application filed under 35 USC 111(a), filed before Dec. 8, 2009.

The application, after submission of a preliminary amendment together with this petition, contains no more than three independent claims and twenty or fewer total claims, and no multiple dependent claims as well.

By filing this petition:

Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee \$300 set forth in CFR 1.18(d) accompanies this request.

Application No. 12/389,310

Applicant believes the pending claims in the application being directed to a single invention that materially contributes to the discovery or development of renewable energy resources.

The claimed invention relates generally to solar energy techniques providing a method and resulting device fabricated from a plurality of photovoltaic regions provided within one or more substrate members.

By filing this petition, applicant hereby agrees 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.

If the Office believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-906-0323.

Respectfully submitted,

/Richard T. Ogawa/

Richard T. Ogawa
Reg. No. 37,692



UNITED STATES PATENT AND TRADEMARK 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.
12/389,310	02/19/2009	Patrick Weber	025902-006010US	3007
83275	7590	10/04/2010	EXAMINER	
AMPACC Law Group 3500 188th Street SW, Suite103 Lynnwood, WA 98037			RIDLEY, BASIA ANNA	
			ART UNIT	PAPER NUMBER
			1795	
			NOTIFICATION DATE	DELIVERY MODE
			10/04/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKETING@AMPACC.COM



AMPACC Law Group
3500 188th Street SW, Suite 103
Lynnwood WA 98037

OCT 04 2010

In re Application of	:	
Weber et al.	:	DECISION ON PETITION
Application No. 12/389,310	:	TO MAKE SPECIAL UNDER
Filed: 2/19/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 025902-006010US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/23/2010, 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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLAKELY SOKOLOFF TAYLOR & ZAFMANN, LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of :

CHOU :

Application No. 12/389,331 :

Filed: February 19, 2009 :

Attorney Docket No. 8604P006 :

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 17, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Blakely Sokoloff Taylor & Zafmann LLP, have been revoked by the assignee of the patent application on March 28, 2011. 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.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLAKELY SOKOLOFF TAYLOR & ZAFMANN, LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

MAILED

MAY 02 2011

OFFICE OF PETITIONS

In re Application of :

CHOU :

Application No. 12/389,334 :

Filed: February 19, 2009 :

Attorney Docket No. 8604P007 :

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 17, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Blakely Sokoloff Taylor & Zafmann LLP, have been revoked by the assignee of the patent application on March 28, 2011. 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.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAY AREA INTELLECTUAL PROPERTY GROUP, LLC
PO BOX 210459
SAN FRANCISCO CA 94121-0459

MAILED

DEC 14 2011

In re Application of : **OFFICE OF PETITIONS**
Roston. :
Application No. 12/389,352 : **DECISION ON PETITION**
Filed: February 19, 2009 :
Attorney Docket No.RSTOM01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed May 9, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on August 10, 2011. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment previously submitted (2) the petition fee of \$930.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2172 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 22, 2012

In re Application of :

Govindarajan KRISHNAMURTHI

Application No : 12389358

Filed : 19-Feb-2009

Attorney Docket No : 080920

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 22, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12389358
Filing Date	19-Feb-2009
First Named Inventor	Govindarajan KRISHNAMURTHI
Art Unit	2467
Examiner Name	SABA TSEGAYE
Attorney Docket Number	080920
Title	METHOD AND APPARATUS FOR ASYNCHRONOUS MEDIATED COMMUNICATON

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- A joint inventor; all of whom are signing this e-petition.
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/James T. Hagler/
Name	James T. Hagler
Registration Number	40631



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCOTT C HARRIS
LAW OFFICE OF SCOTT C. HARRIS, INC.
P O BOX 1389
RANCHO SANTA FE, CA 92067-1389

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Scott C. HARRIS. :
Application No. 12/389,365 :
Filed: February 19, 2009 :
Attorney Docket No. PAGEENCRYPTION-C2 :

NOTICE UNDER 37 CFR 1.28(C)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

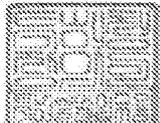
This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Monica A. Graves at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: MICROSOFT CORPORATION Attn - Virginia Coggan (vcoggan) LCA - International Patent Department One Microsoft Way - 8/1188 Redmond Washington 98052-6399 USA	<h1>PCT</h1> NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION (PCT Rule 44.1)
Applicant's or agent's file reference 325698-02	Date of mailing (day/month/year) 30 AUGUST 2010 (30.08.2010) FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US2010/021890	International filing date (day/month/year) 22 JANUARY 2010 (22.01.2010)
Applicant MICROSOFT CORPORATION	
<p>1. <input checked="" type="checkbox"/> 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.</p> <p>2. <input type="checkbox"/> 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.</p> <p>3. <input type="checkbox"/> With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that: <input type="checkbox"/> 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. <input type="checkbox"/> no decision has been made yet on the protest, the applicant will be notified as soon as a decision is made.</p> <p>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 19 months. 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.</p>	
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 : **KONBGB76**

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 325698-02	FOR FURTHER ACTION <small>see Form PCT/ISA/230 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US2010/021890	International filing date (<i>day/month/year</i>) 22 JANUARY 2010 (22.01.2010)	(Earliest) Priority Date (<i>day/month/year</i>) 20 FEBRUARY 2009 (20.02.2009)
Applicant MICROSOFT CORPORATION		

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 43.6bis(ii)).

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. I

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/US2010/021890

A. CLASSIFICATION OF SUBJECT MATTER

G06Q 50/00(2006.01)i, G06F 3/00(2006.01)i, G06F 9/00(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)

G06Q 50/00; G06F 17/00; G06K 15/00; G06K 15/02

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: font, rendered document, document viewer

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5528742 A1 (MOORE, G. M. et al.) 18 June 1996 See abstract, column 7, line 66 - column 9, line 63, figures 7-9 and claim 1.	1-15
A	US 2008-0028304 A1 (LEVANTOVSKY, V. et al.) 31 January 2008 See abstract, paragraphs [0009]-[0011], figure 1 and claim 1.	1-15
A	US 2007-0006076 A1 (CHENG, K.) 04 January 2007 See abstract, paragraphs [0028]-[0043], paragraph [0047], figures 4, 6 and claim 1.	1-15
A	US 2007-0159646 A1 (ADELBERG, B. S. et al.) 12 July 2007 See abstract, paragraphs [0024]-[0024], figure 3 and claim 1.	1-15

 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

28 AUGUST 2010 (28.08.2010)

Date of mailing of the international search report

30 AUGUST 2010 (30.08.2010)

Name and mailing address of the ISA/KR

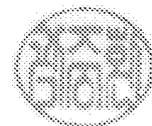
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu,
Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

Kwak Jeong Hwan

Telephone No. 82-42-481-5986



INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/US2010/021890

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5528742 A1	18.06.1996	None	
US 2008-0028304 A1	31.01.2008	EP 2047381 A2 JP 2009-545064 A US 2008-028304 A1 WO 2008-013720 A2 WO 2008-013720 A3	15.04.2009 17.12.2009 31.01.2008 31.01.2008 25.09.2008
US 2007-0006076 A1	04.01.2007	JP 2007-011733 A	18.01.2007
US 2007-0159646 A1	12.07.2007	None	

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: MICROSOFT CORPORATION Attn - Virginia Coggan (vcoggan) LCA - International Patent Department One Microsoft Way - 8/1188 Redmond Washington 98052-6399 USA

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 30 AUGUST 2010 (30.08.2010)

Applicant's or agent's file reference 325698-02	FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US2010/021890	International filing date (day/month/year) 22 JANUARY 2010 (22.01.2010)	Priority date (day/month/year) 20 FEBRUARY 2009 (20.02.2009)
International Patent Classification (IPC) or both national classification and IPC <i>G06Q 50/00(2006.01)I, G06F 3/00(2006.01)I, G06F 9/00(2006.01)I</i>		
Applicant MICROSOFT CORPORATION		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

 Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140	Date of completion of this opinion 28 AUGUST 2010 (28.08.2010)	Authorized officer Kwak Joong Hwan Telephone No. 82-42-481-5986	
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/021890

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 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
 - a. 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/US2010/021890

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	1-15	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-15	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 5526742 A1 (MOORE, G. M. et al.) 18 June 1996
 D2: US 2006-0028304 A1 (LEVANTOVSKY, V. et al.) 31 January 2008
 D3: US 2007-0006076 A1 (CHENG, K.) 04 January 2007
 D4: US 2007-0169646 A1 (ADELBERG, B. S. et al.) 12 July 2007

1. Novelty and Inventive Step

1.1 Independent Claim 1

The subject matter of claim 1 differs from these prior art documents in generating one or more server font files for displaying the rendered documents and storing the rendered document and the server font files. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

1.2 Dependent Claims 2-11

Claims 2-11 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.3 Independent Claim 12

The subject matter of claim 12 differs from these prior art documents in determining whether fonts utilized in rendered document are contained in a local font list and in response to determining that the fonts utilized in the rendered document are contained in the local font list, inserting local font information contained on the local font list into the rendered document and upon inserting the local font information contained in the local font list into the rendered document. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 12 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

1.4 Dependent Claims 13-15

Claims 13-15 are dependent on claim 12 and therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-15 are industrially applicable under PCT Article 33(4).

WHAT IS CLAIMED IS:

1. A computer-implemented method for providing font files to a document viewer (114) operating on a client computer (108), the method comprising computer-implemented operations for:
 - 5 receiving a request for a rendered document (116B) corresponding to a document (116A);
retrieving the document (116A) from a storage device (106);
transforming the document (116A) into the rendered document (116B);
generating one or more server font files (120, 122) for displaying the rendered
10 document (116B); and
storing the rendered document (116B) and the server font files (120, 122).
 2. The computer-implemented method of claim 1, the method further comprising computer-implemented operations for transmitting the rendered document and the server font files to the document viewer, the document viewer operative to display the rendered
15 document utilizing the server font files.
 3. The computer-implemented method of claim 1, wherein the rendered document comprises a full-fidelity representation of the document.
 4. The computer-implemented method of claim 1, wherein transforming the document into the rendered document comprises:
 - 20 transforming a page or slide of slide of the document into a page or slide of the rendered document;
providing the page or slide of the rendered document to the document viewer for display; and
upon providing the page or slide of the rendered document to the document viewer
25 for display, transforming a next page slide of the document into a next page or slide of the rendered document.
 5. The computer-implemented method of claim 1, wherein generating one or more server font files for displaying the rendered document comprises generating a common font subset, the common font subset comprising a font file containing the most commonly-
30 used fonts and characters across multiple documents.
 6. The computer-implemented method of claim 5, wherein generating one or more server font files for displaying the rendered document comprises generating a per document font subset, the per document font subset comprising a font file containing fonts missing from common font subset.

7. The computer-implemented method of claim 1, wherein generating one or more server font files for displaying the rendered document comprises:

5 determining whether fonts utilized in the rendered document are contained in a local font list, the local font list containing a list of font files that are anticipated to be stored on the client computer; and

in response to determining that the fonts utilized in the rendered document are contained in the local font list, inserting local font information contained on the local font list into the rendered document.

10 8. The computer-implemented method of claim 7, wherein generating one or more server font files for displaying the rendered document further comprises:

determining whether the fonts utilized in the rendered document are contained in a common font subset, the common font subset comprising a font file containing the most commonly-used fonts and characters across multiple documents; and

15 in response to determining that the fonts utilized in the rendered document are contained in the common font subset, transmitting the rendered document and the common font subset to the document viewer.

9. The computer-implemented method of claim 8, wherein generating one or more server font files for displaying the rendered document further comprises:

20 in response to determining that the fonts utilized in the rendered document are not contained in the common font subset, generating a per document font subset, the per document font subset comprising a font file containing the fonts missing from common font subset.

10. The computer-implemented method of claim 1, wherein font layout information is removed from the server font files.

25 11. A computer-readable medium having computer-executable instructions stored thereon which, when executed by a computer, cause the computer to perform the computer-implemented method of claim 1.

12. A computer system (500) comprising:

30 a processor (502);

a memory (504) operatively coupled to the processor (502); and

a program module (514) (i) which executes in the processor (502) from the memory (504) and (ii) which, when executed by the processor (502), causes the computer system (500) to provide font files to a document viewer (114) operating on a client computer (108) by

receiving, from the document viewer (114), a request for a rendered document (116B) corresponding to a document (116A),
retrieving the document (116A) from a storage device (106),
transforming the document (116A) into the rendered document (116B), the
5 rendered document (116B) adapted to provide a full-fidelity representation of the document (116A) through the document viewer (114),
storing the rendered document (116B) in the storage device (106),
determining whether fonts utilized in the rendered document (116B) are contained in a local font list (124), and
10 in response to determining that the fonts utilized in the rendered document (116B) are contained in the local font list (124), inserting local font information contained on the local font list (124) into the rendered document (116B), and
upon inserting the local font information contained in the local font list (124) into the rendered document (116B), transmitting the rendered document
15 (116B) to the document viewer (114), the document viewer (114) operative to display the rendered document (116B) utilizing one or more local font files (126) on the client computer (108).

13. The computer system of claim 12, wherein the program module which, when executed by the processor, further causes the computer system to provide font files to the
20 document viewer operating on the client computer by

determining whether the fonts utilized in the rendered document are contained in a common font subset, the common font subset comprising a font file containing the most commonly-used fonts and characters across multiple documents, and
25 in response to determining that the fonts utilized in the rendered document are contained in the common font subset, determining whether the client computer contains a common font subset.

14. The computer system of claim 13, wherein the program module which, when executed by the processor, further causes the computer system to provide font files to the document viewer operating on the client computer by

30 in response to determining that the client computer contains the common font subset, transmitting the rendered document to the document viewer, the document viewer operative to display the rendered document utilizing the common font subset stored on the client computer, and

in response to determining that client computer does not contain the common font subset, transmitting the rendered document and the common font subset to the document viewer, the document viewer operative to display the rendered document utilizing the common font subset.

- 5 15. The computer system of claim 14, wherein the program module which, when executed by the processor, further causes the computer system to provide font files to the document viewer operating on the client computer by

10 in response to determining that the fonts utilized in the rendered document are not contained in the common font subset, generate a per document font subset, the per document font subset comprising a font file containing the fonts missing from the local font files and the common font subset,

transmitting the rendered document to the document viewer,

receiving, from the document viewer, a request for the per document font, and

15 in response to receiving the request for the per document font, transmitting the per document font subset to the document viewer, the document viewer operative to display the rendered document utilizing the per document font subset.

PATENT

First Named Inventor: Gareth Alan Howell
Application No.: 12/389,389
Filed: February 20, 2009
Customer No.: 69316
Title: FONT HANDLING FOR VIEWING DOCUMENTS ON THE WEB

Attorney Docket No.: 325698.01
Group Art Unit: 2176
Examiner: HUTTON JR, WILLIAM D
Confirmation Number: 3174

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

**Statement on Request for Participation in the
PCT-Patent Prosecution Highway Pilot Program**

Dear Sir:

Applicant states that the claims in the US application were amended to sufficiently correspond to the claims in the PCT application. Additionally, applicant would like to bring to attention that the US dependent claims that were omitted or combined with another dependent claim in the corresponding PCT application should be deemed patentable because their respective independent claim was deemed patentable in the international search report. Therefore, applicant respectfully requests the omitted dependent claims in the US application also be considered.

Additionally, applicant would like to bring to attention the formatting differences in the PCT claims, specifically the numerical references that refer to the drawings. For your convenience, a copy of the claims in the PCT application is included.

PATENT

Accordingly, applicant requests the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant’s attorney at the telephone number listed below.

Respectfully submitted,

Date: April 28, 2011

By: /Damon A. Rieth/

Atty: Damon A. Rieth

Reg. No.: 52,167

Direct telephone: (425) 421-2377

Microsoft Corporation

One Microsoft Way

Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

April 28, 2011

/Eric Matt/

Date

Eric Matt

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE NATIONAL BOARD OF PATENTS AND REGISTRATION OF FINLAND (NBPR) AND THE USPTO

Application No:	12/389,389	Filing date:	February 20, 2009
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First Named Inventor:	Gareth Alan Howell
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Title of the Invention:	FONT HANDLING FOR VIEWING DOCUMENTS ON THE WEB
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/21890

The international filing date of the corresponding PCT application(s) is/are: January 22, 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.**

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 NBPR AND THE USPTO**

(continued)

Application No.: 12/389,389

First Named Inventor: Gareth Alan Howell

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 25, 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 _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-10	1-10	Claims are identical except for numerical references that refer to the drawings in the PCT application
11	12	Claims are identical except for numerical references that refer to the drawings in the PCT application
12	13	Claims are identical except for numerical references that refer to the drawings in the PCT application
13	14	Claims are identical except for numerical references that refer to the drawings in the PCT application
14	15	Claims are identical except for numerical references that refer to the drawings in the PCT application
15		US Claim 15 is patentable because it is dependent upon claim 14, which the ISR has deemed patentable in corresponding PCT claim 15.
16		US Claim 16 is patentable because it is dependent upon claim Y, which the ISR has deemed patentable in corresponding PCT claim Z.
17		US Claim 17 is patentable because it is dependent upon claim Y, which the ISR has deemed patentable in corresponding PCT claim Z.
18		US Claim 18 is patentable because it is dependent upon claim Y, which the ISR has deemed patentable in corresponding PCT claim Z.
19	N/A	cancelled in preliminary amendment filed 4/28/11
20	N/A	cancelled in preliminary amendment filed 4/28/11

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Damon A. Rieth/

Date April 28, 2011

Name (Print/Typed) Damon A. Rieth

Registration Number 52,167

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.
12/389,389	02/20/2009	Gareth Alan Howell	325698.01	3174
69316	7590	07/08/2011	EXAMINER	
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052			TSUI, WILSON W	
			ART UNIT	PAPER NUMBER
			2178	
			NOTIFICATION DATE	DELIVERY MODE
			07/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vffiling@microsoft.com
stevensp@microsoft.com
ntovar@MICROSOFT.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

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

In re Application of: HOWELL et al.
Application No.: 12/389,389
Docket #: **325698.01**
Filed: February 20, 2009
For: FONT HANDLING FOR VIEWING
DOCUMENTS ON THE WEB

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed April 28, 2011, to make the above- identified application special.

The petition is **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT applicationOr
 - (b) a national application which forms the basis for the priority claim in the corresponding PCT applicationOr
 - (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT applicationOr
 - (d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.Or
 - (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT

application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

Application SN 12/389,389
Decision on Petition

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH program and petition are found to not comply with the above requirements, since a first action on the merits was mailed on June 24, 2011.

Accordingly, the Petition is **DENIED**.

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>.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



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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.
12/389,416	02/20/2009	David H. Bank	66955A (1062-088)	3229

62583 7590 08/03/2010
THE DOW CHEMICAL COMPANY / DOBRUSIN & THENNISCH PC
29 W. LAWRENCE ST., SUITE 210
PONTIAC, MI 48342

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
08/03/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE DOW CHEMICAL COMPANY / DOBRUSIN & THENNISCH PC
29 W. LAWRENCE ST., SUITE 210
PONTIAC MI 48342

In re Application of	:	
BANK, DAVID H. et al.	:	DECISION ON PETITION
Application No. 12/389,416	:	TO MAKE SPECIAL UNDER
Filed: Feb. 20, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 66955A (1062-088)	:	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 in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 8.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bank, David H. et al.

Conf. No. : 3229

Application No.: 12/389,416

Examiner: TBD

Filed: February 20, 2009

Art Unit: 3744

For: THERMAL ENERGY STORAGE MATERIALS

**Henry C. Yuen,
Quality Assurance Specialist
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY PILOT PROGRAM**

AND

REQUEST FOR EARLY PUBLICATION

On August 3, 2010, Applicants' petition to make special under the green technology pilot program was denied because a request for early publication was not made.

In this communication, Applicants request early publication and authorize payment of the publication fee from Deposit Account 04-1512.

Having now met all of the requirements to be eligible for the GREEN TECHNOLOGY PILOT PROGRAM, Applicants' request reconsideration of the decision and that the PETITION TO MAKE SPECIAL be granted.

EARLY PUBLICATION

Applicants' request early publication of this application.

PAYMENT OF FEES

1. FEE FOR EARLY PUBLICATION

Pursuant to 37 C.F.R. § 1.219, the fee for publication set forth in 1.18(d) is:

Publication Fee

\$300.00

2. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

3. TOTAL FEE DUE

The total fee due is:

Publication Fee \$300.00

TOTAL FEES DUE \$300.00

4. FEE PAYMENT

Authorization is hereby made to charge the amount of \$300.00 to Deposit Account No. 04-1512.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

5. FEE DEFICIENCY

If any additional extension and/or fee is required, charge Deposit Account 04-1512.

Respectfully submitted,



Terry M. Finerman, PhD., Reg. No. 62,461
Agent for Applicants
DOBRUSIN & THENNISCH PC
29 W. Lawrence St., Suite 210
Pontiac, MI 48342
248-292-2920

Date: August 9, 2010

Customer No. 62583



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.
12/389,416	02/20/2009	David H. Bank	66955A (1062-088)	3229

62583 7590 08/11/2010
THE DOW CHEMICAL COMPANY / DOBRUSIN & THENNISCH PC
29 W. LAWRENCE ST., SUITE 210
PONTIAC, MI 48342

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
08/11/2010	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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THE DOW CHEMICAL COMPANY / DOBRUSIN & THENNISCH PC
29 W. LAWRENCE ST., SUITE 210
PONTIAC MI 48342

In re Application of :
BANK, DAVID H. et al. :
Application No. 12/389,416 :
Filed: Feb. 20, 2009 :
Attorney Docket No. 66955A (1062-088) :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 9, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications 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 inquiries concerning this decision should be directed to Henry Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700



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3M INNOVATIVE PROPERTIES COMPANY
P.O. BOX 33427
ST. PAUL, MN 55133-3427

MAILED

NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Chiu P. Wong et al :
Application No. 12/389,426 : **DECISION ON PETITION**
Filed: February 20, 2009 :
Attorney Docket No. 63816US006 :

This is a decision on the petition, filed October 31, 2011 under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Amendment (Notice) mailed March 11, 2011, which set a one (1) month period for reply. A Notice of Abandonment was mailed on September 29, 2011.

Petitioner asserts that the Notice mailed March 11, 2011 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

Telephone inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to the Technology Center technical support staff of Art Unit 1744 for re-mailing the Notice of March 11, 2011. The period for reply will run from the mailing date of the Notice.



Irvin Dingle
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHERRILL LAW OFFICES
4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE MN 55110-3205

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of :
Mayer et al. :
Application No. 12/389,438 :
Filed: February 20, 2009 :
Attorney Docket No. MTS024USPT01 :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition, filed June 22, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 10, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of December 30, 2010 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center Art Unit 3781 for examination in due course.



Charlema Grant
Petitions Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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Table with 4 columns: APPLICATION NUMBER (12/389,438), FILING OR 371(C) DATE (02/20/2009), FIRST NAMED APPLICANT (William T. Mayer), ATTY. DOCKET NO./TITLE (MTS024USPT01)

CONFIRMATION NO. 3267

23403
SHERRILL LAW OFFICES
4756 BANNING AVE
SUITE 212
WHITE BEAR LAKE, MN 55110-3205

NONPUBLICATION RESCISSION LETTER



Date Mailed: 09/21/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/30/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/crgrant/

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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P.O. Box 1450
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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 :

Pierre TAVERNIER :

Application No. 12/389,439 :

Filed: February 20, 2009 :

Attorney Docket No. **0604-1042-1** :

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 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) 272-3600. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/389,537	02/20/2009	John H. Hellweg	6318US-D2	3412

30173 7590 12/07/2011
GENERAL MILLS, INC.
P.O. BOX 1113
MINNEAPOLIS, MN 55440

EXAMINER

TRAN LIEN, THUY

ART UNIT	PAPER NUMBER
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1789

MAIL DATE	DELIVERY MODE
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12/07/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DEC 07 2011

Mailed :
In re Application of : DECISION ON
Hellweg et al. : PETITION
Serial No. 12/389,537 :
Filed: February 20, 2009 :
For: **METHODS FOR PREPARING OAT BRAN**
ENRICHED IN BETA-GLUCAN AND OAT
PRODUCTS PREPARED THEREFROM

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on August 12, 2011. The restriction was between claims 1-11 and claims 12-22. Applicant's amendment of September 14, 2011 cancelled claims 12-22. The Examiner issued a notice of allowance on September 22, 2011

DECISION

The petition is **DISMISSED**.

Karen M. Young, Director
Technology Center 1700
Chemical and Materials Engineering

wk

Everett G. Diederiks, Jr.
GENERAL MILLS, INC.
P.O. BOX 1113
MINNEAPOLIS MN 55440



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.
12/389,598	02/20/2009	Andrey N. Soukhojak	67170B (1062-091)	3521

62583 7590 08/03/2010
THE DOW CHEMICAL COMPANY / DOBRUSIN & THENNISCH PC
29 W. LAWRENCE ST., SUITE 210
PONTIAC, MI 48342

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
08/03/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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THE DOW CHEMICAL COMPANY / DOBRUSIN & THENNISCH PC
29 W. LAWRENCE ST., SUITE 210
PONTIAC MI 48342

In re Application of :
SOUKHOJAK, ANDREY N. et al. : DECISION ON PETITION
Application No. 12/389,598 : TO MAKE SPECIAL UNDER
Filed: Feb. 20, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. 67170B (1062-091) : 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 in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 8.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Soukhojak, Andrey N. et al.

Conf. No. : 3521

Application No.: 12/389,598

Examiner: TBD

Filed: February 20, 2009

Art Unit: 3744

For: HEAT STORAGE DEVICES

Henry C. Yuen,
Quality Assurance Specialist
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY PILOT PROGRAM**

AND

REQUEST FOR EARLY PUBLICATION

On August 3, 2010, Applicants' petition to make special under the green technology pilot program was denied because a request for early publication was not made.

In this communication, Applicants request early publication and authorize payment of the publication fee from Deposit Account 04-1512.

Having now met all of the requirements to be eligible for the GREEN TECHNOLOGY PILOT PROGRAM, Applicants' request reconsideration of the decision and that the PETITION TO MAKE SPECIAL be granted.

EARLY PUBLICATION

Applicants' request early publication of this application.

PAYMENT OF FEES

1. FEE FOR EARLY PUBLICATION

Pursuant to 37 C.F.R. § 1.219, the fee for publication set forth in 1.18(d) is:

Publication Fee

\$300.00

2. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

3. TOTAL FEE DUE

The total fee due is:

Publication Fee	\$300.00
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TOTAL FEES DUE	\$300.00
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4. FEE PAYMENT

Authorization is hereby made to charge the amount of \$300.00 to Deposit Account No. 04-1512.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

5. FEE DEFICIENCY

If any additional extension and/or fee is required, charge Deposit Account 04-1512.

Respectfully submitted,



Terry M. Finerman, PhD., Reg. No. 62,461
Agent for Applicants
DOBRUSIN & THENNISCH PC
29 W. Lawrence St., Suite 210
Pontiac, MI 48342
248-292-2920

Date: August 9, 2010

Customer No. 62583



UNITED STATES PATENT AND TRADEMARK 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.
12/389,598	02/20/2009	Andrey N. Soukhojak	67170B (1062-091)	3521
62583	7590	08/11/2010	EXAMINER	
THE DOW CHEMICAL COMPANY / DOBRUSIN & THENNISCH PC 29 W. LAWRENCE ST., SUITE 210 PONTIAC, MI 48342			ART UNIT	PAPER NUMBER
			3744	
			MAIL DATE	DELIVERY MODE
			08/11/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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THE DOW CHEMICAL COMPANY / DOBRUSIN & THENNISCH PC
29 W. LAWRENCE ST., SUITE 210
PONTIAC MI 48342

In re Application of :
SOUKHOJAK, ANDREY N. et al. : DECISION ON PETITION
Application No. 12/389,598 : TO MAKE SPECIAL UNDER
Filed: Feb. 20, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. 67170B (1062-091) : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 9, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is GRANTED.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications 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 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 Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/389,633	Patent Number (if applicable):
First Named Inventor: Yoshinari et al.	Title of Invention: NI-BASED SINGLE CRYSTAL ALLOY

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 /Alan E. Schiavelli/	Date 5/23/11
Name (Print/Typed) Alan E. Schiavelli	Practitioner Registration Number 32,087
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED

MAY 25 2011

OFFICE OF PETITIONS

In re Application of :
Yoshinari et al. :
Application No. 12/389,633 : **DECISION ON PETITION**
Filed: February 20, 2009 :
Attorney Docket No. 500.49751X00 :

This is a decision on the request filed May 23, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 3, 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 1733 for re-mailing the Office action of February 3, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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:	12/389,715	Filing date:	February 20, 2009
-----------------	------------	--------------	-------------------

First Named Inventor:	Benjamin B. STEWART
-----------------------	---------------------

Title of the Invention:	SWELLABLE MATERIAL ACTIVATION AND MONITORING IN A SUBTERRANEAN WELL
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/024375

The international date of the corresponding PCT application(s) is/are: 17 February 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.**

---(Page 1 of 4)---

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.: 12/389,715

First Named Inventor: Benjamin B. STEWART

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

November 2, 2010

Has already been filed in the above-identified U.S. application on

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

Are attached.

November 2, 2010

Have already been filed in the above-identified U.S. application on

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
2		IDENTICAL - rewritten in independent form
3		IDENTICAL
4		IDENTICAL
5		IDENTICAL
6		IDENTICAL
7		IDENTICAL
8		IDENTICAL - rewritten in independent form
9		IDENTICAL
10		IDENTICAL
11		IDENTICAL
12		IDENTICAL
13		IDENTICAL
14		IDENTICAL
15		IDENTICAL
16		IDENTICAL
17		IDENTICAL
18		IDENTICAL - rewritten in independent form
19		IDENTICAL
20		IDENTICAL - rewritten in independent form

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Marlin R. Smith/	Date January 31, 2011
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

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.:

First Named Inventor:

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Have already been filed in the above-identified U.S. application on _____

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21	21	IDENTICAL
24	24	IDENTICAL - rewritten in independent form
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27	27	IDENTICAL
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31	31	IDENTICAL
32	32	IDENTICAL
33	33	IDENTICAL
34	34	IDENTICAL
35	35	IDENTICAL
37	37	IDENTICAL - rewritten in independent form
38	38	IDENTICAL
39	39	IDENTICAL
40	40	IDENTICAL
41	41	IDENTICAL
42	42	IDENTICAL - rewritten in independent form
43	43	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 January 31, 2011
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

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**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.:

First Named Inventor:

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44	44	IDENTICAL
46	46	IDENTICAL - rewritten in independent form
48	48	IDENTICAL - rewritten in independent form
49	49	IDENTICAL
50	50	IDENTICAL - rewritten in independent form
51	51	IDENTICAL - rewritten in independent form
52	52	IDENTICAL - rewritten in independent form
53	53	IDENTICAL
54	54	IDENTICAL - rewritten in independent form
55	55	IDENTICAL
56	56	IDENTICAL
57	57	IDENTICAL
58	58	IDENTICAL
59	59	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 January 31, 2011
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

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:	12/389,715	Filing date:	February 20, 2009
-----------------	------------	--------------	-------------------

First Named Inventor:	Benjamin B. STEWART
-----------------------	---------------------

Title of the Invention: SWELLABLE MATERIAL ACTIVATION AND MONITORING IN A SUBTERRANEAN WELL

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/024375

The international date of the corresponding PCT application(s) is/are: 17 February 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)

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**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/389,715

First Named Inventor: Benjamin B. STEWART

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Is attached

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November 2, 2010

Have already been filed in the above-identified U.S. application on _____

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15	15	IDENTICAL
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17	17	IDENTICAL
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19	19	IDENTICAL
20	20	IDENTICAL - rewritten in independent form

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Marlin R. Smith/	Date January 31, 2011
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

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**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.:

First Named Inventor:

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31	31	IDENTICAL
32	32	IDENTICAL
33	33	IDENTICAL
34	34	IDENTICAL
35	35	IDENTICAL
37	37	IDENTICAL - rewritten in independent form
38	38	IDENTICAL
39	39	IDENTICAL
40	40	IDENTICAL
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III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Marlin R. Smith/	Date January 31, 2011
Name (Print/Typed) Marlin R. Smith	Registration Number 38310

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**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.:

First Named Inventor:

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

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II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
44	44	IDENTICAL
46	46	IDENTICAL - rewritten in independent form
48	48	IDENTICAL - rewritten in independent form
49	49	IDENTICAL
50	50	IDENTICAL - rewritten in independent form
51	51	IDENTICAL - rewritten in independent form
52	52	IDENTICAL - rewritten in independent form
53	53	IDENTICAL
54	54	IDENTICAL - rewritten in independent form
55	55	IDENTICAL
56	56	IDENTICAL
57	57	IDENTICAL
58	58	IDENTICAL
59	59	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 January 31, 2011
Name (Print/Typed) Marlin R. Smith	Registration Number 38310



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/389,715	02/20/2009	Benjamin B. Stewart	2007-IP-005348 U1 US	3738

49431 7590 03/08/2011
SMITH IP SERVICES, P.C.
P.O. Box 997
Rockwall, TX 75087

EXAMINER

WALLACE, KIPP CHARLES

ART UNIT PAPER NUMBER

3676

NOTIFICATION DATE DELIVERY MODE

03/08/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sally@smithipservices.com
mail@smithipservices.com
scrawford@smithipservices.com



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SMITH IP SERVICES, P.C.
P.O. Box 997
Rockwall TX 75087

In re application of
Stewart et al.
Application No. 12/389,715
Filed: February 20, 2009
For: SWELLABLE MATERIAL ACTIVATION
AND MONITORING IN A
SUBTERRANEAN WELL

: **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 January 31, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 03/04/11



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/389,723	02/20/2009	Tae-kwon NA	1900.1149	3748
21171	7590	08/01/2011	EXAMINER	
STAAS & HALSEY LLP			PAPE, ZACHARY	
SUITE 700			ART UNIT	PAPER NUMBER
1201 NEW YORK AVENUE, N.W.			2835	
WASHINGTON, DC 20005			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.



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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

AUG 1 2011

In re Application of NA :
Appl No.: 12/389,723 : **DECISION ON PETITION**
Filed: February 20, 2009 : **UNDER**
For: Method of Arranging Components of Circuit Board for : **37 CFR 1.84**
Optimal Heat Dissipation and Circuit Apparatus :
Having Components Arranged by Performing the :
Method :
Attorney Docket No. 1900.1149 :

This decision is in response to the petition filed February 20, 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 **DISMISSED**.

The petition states that color drawings or photographs of Figures 4A-B, and 5-8 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 20, 2009 fail to comply with the requirements set forth in 37 C.F.R. 1.84(a)(2), in that it does not include the language set forth in 37 C.F.R. 184(a)(2)(iii). The following text should be inserted in the specification as the first paragraph of the brief description of the drawings:

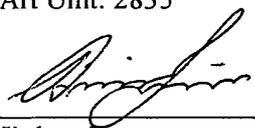
“The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the office upon request and payment of the appropriate fee.”

For reconsideration of this decision, applicant must amend the specification to insert this language.

Telephonic inquires concerning this decision should be directed to the undersigned at (571) 272-1977.

Application/Control Number: 12/389,723

Art Unit: 2835



for Jinhee Lee
Supervisory Patent Examiner
Art Unit 2835



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/389,723	02/20/2009	Tac-kwon NA	1900.1149	3748
21171 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005	7590 11/18/2011		EXAMINER PAPE, ZACHARY	
			ART UNIT. 2835	PAPER NUMBER
			MAIL DATE 11/18/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, NW
WASHINGTON, DC 20005

NOV 18 2011

In re Application of: Tae-Kwon Na :
Application No. 12/389,723 :
Filed: February 20, 2009 :
Attorney Docket No. 1900.1149 :

DECISION ON PETITION
UNDER 37 CFR 1.84

This decision is in response to the petition filed February 20, 2009 in the above-identified application. Petition requests that color drawings be accepted in accordance with 37 C.F.R. 1.84(a)(2).

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3740.

Jayprakash N Gandhi
Supervisory Patent Examiner
Art Unit 2835



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ROBERT A. PARSONS
4000 N. CENTRAL AVENUE, SUITE 1220
PHOENIX AZ 85012

MAILED

SEP 09 2011

In re Application of : **OFFICE OF PETITIONS**
Stephen P. Troy :
Application No. 12/389,732 : **DECISION ON PETITION**
Filed: February 20, 2009 :
Attorney Docket No. 4582-A3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before August 15, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 13, 2011. Accordingly, the date of abandonment of this application is August 16, 2011. A Notice of Abandonment was mailed on August 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the issue fee 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 the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/389,815 02/20/2009 Motoi MINAMI 338769US8 3921

7590 05/20/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

OLIVER, GERALD

ART UNIT PAPER NUMBER

2617

NOTIFICATION DATE DELIVERY MODE

05/20/2011

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.

Handwritten signature of Mimi Farmer

Patent Publication Branch
Office of Data Management

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:	12/389,833	Filing date:	February 20, 2009
First Named Inventor:	Heap, Andrew		
Title of the invention:	SOLAR RECEIVERS WITH INTERNATIONAL REFLECTIONS AND FLUX-LIMITING PATTERNS OF RE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFW/EFW_HELP.HTML](http://www.uspto.gov/efw/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/034743

The international date of the corresponding PCT application(s) is/are: February 20, 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.

CLAIMS: What is claimed is:

1. A method of dispersing incident solar flux within a cavity of a solar receiver comprising:
 - 5 determining a region of a cavity surface of the solar receiver exceeding a threshold of absorbed flux; and
 - applying a reflective material proximate to the determined region.

2. A method of claim 1 wherein the reflective material is selected from a group
10 consisting of: paint, sputtered metal, and silicon carbide foam.

3. A method of dispersing incident solar flux within a cavity of a solar receiver comprising:
 - 15 determining a region of a surface of a cavity wall of the solar receiver exceeding a threshold of absorbed flux; and
 - applying a reflective material proximate to a portion of the cavity wall surface based on the determined region exceeding the threshold.

4. A method of claim 3 wherein the reflective material is selected from a group
20 consisting of: paint, sputtered metal, and silicon carbide foam.

5. A method of claim 3 wherein the step of applying the reflective material further comprises applying the reflective material non-uniformly across a portion of the wall of the receiver.
25

6. A method of claim 3 wherein the step of applying the reflective material further comprises applying the reflective material non-uniformly across a portion of the wall of the receiver based on a pattern comprising at least one of: pixilation, grayscale pixilation, and a panel array.
30

7. A method of claim 3 wherein the step of non-uniform application is based on maintaining flux absorptivity below the threshold.

8. A method of claim 3 wherein the step of non-uniform application is based on maintaining flux absorptivity below the threshold between 400-600 kW/m².

9. A solar receiver comprising:

5 a receiver housing and comprising a cavity and an incident solar flux receiver comprising a first receiver panel, the first receiver panel comprising a plurality of boiler tubes.

10 10. The solar receiver of claim 9 wherein the first receiver panel comprises a first internal surface of the cavity comprising a light reflective material configured to reflect a portion of incident light received via a first housing aperture.

11. The solar receiver of claim 10 wherein the light reflective material comprises a paint.

15

12. The solar receiver of claim 10 wherein the light reflective material comprises a sputtered metal.

13. The solar receiver of claim 10 wherein the light reflective material comprises a silicon carbide foam.

20

14. The solar receiver of claim 10 wherein the light reflective material is applied in a non-uniform pattern.

25 15. The solar receiver of claim 10 wherein the light reflective material is applied in a non-uniform pattern comprising at least one of: pixilation, grayscale pixilation, and a panel array.

30 16. The solar receiver of claim 10 wherein the light reflective material is applied based on a non-uniform pattern to maintain flux absorptivity below the threshold.

17. The solar receiver of claim 10 wherein the light reflective material is applied in a non-uniform pattern to maintain flux absorptivity below the threshold; wherein the threshold is between 400-600 kW/m².

5 18. The solar receiver of claim 9 wherein the receiver housing comprising two cavities defined by the first housing aperture and a second housing aperture and the incident solar flux receiver, the incident solar flux receiver comprising a second internal surface for receiving incident light via the second housing aperture.

10 19. The solar receiver of claim 9 further comprising a boiler for receiving saturated steam and water from the first panel, the boiler comprising a steam separator and a steam conduit.

15 20. The solar receiver of claim 19 further comprising a second panel comprising a plurality of superheated steam tubes for receiving the separated steam.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/389,833	02/20/2009	Andrew Heap	ESOLAR0901	3953
24507	7590	08/06/2010	EXAMINER	
MICHAEL BLAINE BROOKS, P.C.			SUERETH, SARAH ELIZABETH	
P.O. BOX 1630			ART UNIT	PAPER NUMBER
SIMI VALLEY, CA 93062-1630			3749	
			MAIL DATE	DELIVERY MODE
			08/06/2010	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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MICHAEL BLAINE BROOKS, P.C.
P.O. BOX 1630
SIMI VALLEY CA 93062-1630

In re Application of	:	
HEAP, ANDREW et al	:	DECISION ON REQUEST TO
Application No. 12/389,833	:	PARTICIPATE IN PATENT
Filed: Feb. 20, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. ESOLAR0901	:	PROGRAM AND PETITION
For: SOLAR RECEIVERS WITH INTERNAL	:	37 CFR 1.102(d)
REFLECTIONS AND FLUX-LIMITING		
PATTERNS OF REFLECTIVITY		

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 Aug. 5, 2010 to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Steve McAllister, the SPE of Art Unit 3749, and 571-272-6785 for Class 126/569 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.

The application will be 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 2/10/2012

DATE : 3/2/12

TO SPE OF : ART UNIT: 2472

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/389,837 Patent No. 7,903,641

CofC mailroom date 1/27/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

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: _____

/Hassan Kizou/

2472

SPE

Art Unit

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SS/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: **41057US** Application Number (if known): **12/389,899** Filing date: **02/20/2009**

First Named Inventor: **Roland Schmidt**

Title: **CARBON DIOXIDE RICH OFF-GAS FROM A TWO STAGE GASIFICATION PROCESS**

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: Statements of Special Status

Signature /richardyuen/

Date **November 19, 2010**

Name (Print/Typed) **Richard Yuen**

Registration Number **65287**

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.

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.
12/389,899	02/20/2009	Roland Schmidt	41057US	4075
28841	7590	11/26/2010	EXAMINER	
ConocoPhillips Company - IP Services Group			HENDRICKSON, STUART L	
Attention: DOCKETING			ART UNIT	PAPER NUMBER
600 N. Dairy Ashford			1736	
Bldg. MA-1135			NOTIFICATION DATE	DELIVERY MODE
Houston, TX 77079			11/26/2010	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



ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston TX 77079

NOV 26 2010

In re Application of	:	
Roland Schmidt et al.	:	DECISION ON PETITION
Application No. 12/389,899	:	TO MAKE SPECIAL UNDER
Filed: February 20, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 41057US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

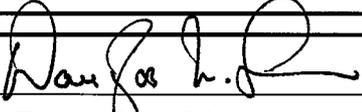
The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/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: 32701-013	Application Number (if known): 12/389,928	Filing date: February 20, 2009
First Named Inventor: Brian Lee Moffat		
Title: VENTURI PINWHEEL AND SEA ANCHOR WAVE ENERGY CONVERSION SYSTEM		
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: <u>Applicant is requesting early publication:</u> Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.		
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: <u>ATTACHMENT TO PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM</u>		
Signature 	Date 9/2/2011	
Name (Print/Typed) Douglas N. Larson	Registration Number 29,401	
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*.		
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Applicant: **Brian Lee Moffat**
Serial No.: 12/389,928
Filed: February 20, 2009
Title: VENTURI PINWHEEL
AND SEA ANCHOR
WAVE ENERGY
CONVERSION SYSTEM
Examiner: NGUYEN, HOANG M.
Group Art Unit: 3748

Confirmation No. 4133

In The United States Patent and Trademark Office

Commissioner for Patents
EFS-Web
Petition for Green Tech Pilot

**ATTACHMENT TO PETITION TO MAKE SPECIAL UNDER THE GREEN
TECHNOLOGY PILOT PROGRAM**

Sir:

Applicant respectfully requests expedited examination based on the Petition to Make Special under the Green Technology Pilot Program, introduced in the Federal Register on December 8, 2009, and extended in the Federal Register on November 10, 2010.

Eligibility Requirements

Applications Pertaining to Energy Conservation, Development of Renewable Energy Resources, or Greenhouse Gas Emission Reduction: Special status is sought because the application is for an invention that materially contributes to the discovery or

development of renewable energy resources and/or to the more efficient utilization and conservation of energy resources.

Applicant hereby certifies that:

1. The application contains three or fewer independent claims and twenty or fewer total claims, following the filing of the Preliminary Amendment herewith. Additionally, the application does not contain any multiple dependent claims.

2. The claims are directed to a single invention that materially contributes to the discovery or development of renewable energy resources and/or to the more efficient utilization and conservation of energy resources.

In particular, the application is directed in at least one embodiment thereof to a wave energy conversion apparatus. The apparatus includes (a) a flotation device that is adapted to float on the surface of a body of water and (b) a venturi device that has a venturi channel including an upper mouth, a lower mouth and a constricted region between the upper and lower mouths. The venturi device is connected to the flotation device such that when the apparatus is in position in the body of water, the venturi device is positioned below the flotation device and at a distance below the surface of the body of water, and water flows downwardly in the venturi channel and through the constricted region when the flotation device moves upwardly by wave action in the body of water and water flows upwardly in the venturi channel and through the constricted region when the flotation device moves downwardly by wave action in the body of water. Accelerated water drives a turbine in the venturi channel.

3. Applicant agrees to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner.

4. No Office Action, including an Office Action containing only a restriction requirement, has been issued.

Application No.: 12/389,928
Green Petition dated: September 2, 2011
Atty. Ref.: 32701-013

The Director is hereby authorized to charge any fees which may be required to
Deposit Account No. 50-5329.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas N. Larson", is written over a horizontal line.

Douglas N. Larson
Registration No. 29,401

Dated: September 2, 2011

HENRICKS, SLAVIN & HOLMES LLP

840 Apollo Street, Suite 200
El Segundo, CA 90245-4737
310-563-1836 (direct)
310-563-1460 (fax)
Email: dlarson@hsh-iplaw.com



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/389,928	02/20/2009	Brian Lee Moffat	70426-00002	4133

58688 7590 09/13/2011
CONNOLLY BOVE LODGE & HUTZ LLP
P.O. BOX 2207
WILMINGTON, DE 19899

EXAMINER

NGUYEN, HOANG M

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
09/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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: CEP08327	Application Number (if known): 12/389,966	Filing date: February 20, 2009
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First Named Inventor: George W. Hawkins

Title: AIR-COOLED THERMAL MANAGEMENT FOR A FUEL CELL STACK

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 /John D. Russell/	Date April 27, 2011
-----------------------------	---------------------

Name (Print/Typed) John D. Russell	Registration Number 47,048
------------------------------------	----------------------------

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : George W. Hawkins et al.
Application No. : 12/389,966
Filed : February 20, 2009
Title : AIR-COOLED THERMAL MANAGEMENT FOR A FUEL
CELL STACK
Group Art Unit : 1729
Confirmation No. : 4225
Docket No. : CEP08327

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

April 27, 2011

Date

/Angie C. Farr/

Angie C. Farr

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following basis: the claimed invention materially contributes to the more efficient utilization and conservation of energy resources.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by reducing the consumption of fossil fuels. Specifically, the claimed invention extends the

duration over which a fuel cell can be used. High temperature polymer electrolyte membrane (HT-PEM) fuel cells can generate energy from the electrochemical oxidation of a fuel such as hydrogen or methanol. These fuel cells rely on an electrolyte to conduct protons from a catalyzed anode, where electrochemical oxidation of a fuel takes place, to a catalyzed cathode, where electrochemical reduction of oxygen takes place. The electrolyte can be a liquid which is sorbed onto a polymer matrix membrane, thus forming a gel-like membrane. As explained in the Background and Summary of the subject application, one type of HT-PEM fuel cell may utilize an electrolyte membrane formed from polybenzimidazole (PBI) and phosphoric acid. Such fuel cells are often operated at temperatures within a range of 120 °C to 180 °C, depending upon a specific fuel cell system design. In such a fuel cell, operating the fuel cell at too high of temperatures may damage the fuel cell system, while operating the fuel cell at too low of temperatures may limit cell performance and cause irrecoverable damage.

In order to maintain these HT-PEM fuel cells at the proper temperature, they may be air cooled via cooling plates interspersed between stacks of the fuel cells. The cooling plates each may comprise airflow channels through which a cooling air passes to cool the fuel cells. Heat from the fuel cell stack is conducted to cooling plates, and removed from the plates by air flowing through the airflow channels. However, due to the nature of heat transfer between air and metal, the cooling air may initially increase in temperature relatively rapidly as it flows through the airflow channels. Because a rate of heat transfer between the cooling plates and the air is a function of a temperature difference between the cooling plates and the air, as the temperature of the cooling air rises, the rate of heat transfer slows. Due to the rapid initial heating of the cooling air, the fuel cells may have lower temperatures in the regions adjacent to the cooling air inlets of the cooling plates than in the regions adjacent to the cooling air outlets of the cooling plates. Under some operating conditions, this non-uniform temperature profile, which may be referred to as an in-plane temperature difference across the fuel cell, may be sufficiently high such that portions of the fuel cell may be outside of the operating temperature range. As a result, performance of the fuel cell may be impaired or rapid degradation may take place. The claimed invention addresses this issue by providing an apparatus to maintain a temperature evenly across a fuel cell.

For example, claim 1 recites:

A cooling plate apparatus for an air-cooled fuel cell stack, the apparatus comprising:

a body configured to receive heat from one or more fuel cells in thermal communication with the body;

one or more airflow channels formed in the body and configured to allow a flow of a cooling air to pass across the body; and

an insulating structure disposed in the airflow channels and having a decreasing thickness from a cooling air inlet toward a cooling air outlet.

In this manner, the insulating structure may be disposed in the airflow channels of the cooling plate in such a manner that heat is transferred to the cooling air more slowly toward the cooling air inlet of the cooling plate, and then transferred more rapidly at a location toward the cooling air outlet of the cooling plate. By doing so, the claimed invention reduces the in-plane temperature difference across the fuel cell, and thus all regions of the fuel cell may be operated within the operating temperature.

By maintaining the entire fuel cell within the operating temperature, degradation or impairment of fuel cell performance can be avoided. As a result, the operational lifetime of the fuel cell can be extended, and further, the performance efficiency of the fuel cell can be increased over a longer duration. Because fuel cells can utilize non-fossil fuels such as hydrogen and methanol, extending the amount of time a fuel cell is operational at increased efficiency results in decreased consumption of fossil fuels. And, by extending the duration of increased efficiency of the membrane, the alternative fuels may be more efficiently utilized, further reducing usage of fossil fuels.

Please charge any cost incurred in this filing, along with any other costs, to
Deposit Account No. 50-3397.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &
TUTTLE LLP

/John D. Russell/

John D. Russell

Registration No. 47,048

Customer No. 50488

Attorney/Agent for Applicants/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/389,966	02/20/2009	George W. Hawkins	CEP08327	4225
50488	7590	05/25/2011	EXAMINER	
ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP 806 SW BROADWAY SUITE 600 PORTLAND, OR 97205-3335			GATEWOOD, DANIEL S	
			ART UNIT	PAPER NUMBER
			1729	
			MAIL DATE	DELIVERY MODE
			05/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND OR 97205-3335

MAY 25 2011

In re Application of	:	
Hawkins et al.	:	DECISION ON PETITION
Application No. 12/389,966	:	TO MAKE SPECIAL UNDER
Filed: 2/20/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. CEP08327	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 4/27/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1729 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700



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RAHWAY NJ 07065-0907**

MAILED

SEP 02 2011

OFFICE OF PETITIONS

In re Application of :
GROVE, et al :
Application No. 12/389,968 : **DECISION ON PETITION**
Filed: February 20, 2009 :
Attorney Docket No. 2001.652USC1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 24, 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 July 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 29, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 30, 2011. A Notice of Abandonment was mailed August 19, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and publication fee of \$300; (2) the petition fee of \$1620; and (3) the required 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 processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: Susan L. Hess
Merck
125 East Lincoln Avenue
Rahway, NJ 07065



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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED

OCT 01 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Kiyohito ISHIDA, et al. :
Application No. 12/389,971 :
Filed: December 20, 2009 :
Attorney Docket No. 090083 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the restriction requirement mailed October 21, 2009, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 22, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement of October 21, 2009 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7099.

The application file is being referred to Technology Center AU 1793 for appropriate action on the concurrently filed election.



David Bucci
Petitions Examiner
Office of Petitions

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12390011
Filing Date	20-Feb-2009
First Named Inventor	Brian Blagg
Art Unit	1623
Examiner Name	PATRICK LEWIS
Attorney Docket Number	14288.0006US12
Title	NOVOBIOCIN ANALOGUES

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)).

I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and explanation have already been filed in the above-identified application on

Amendment and explanation 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	/Heather B. Kroona/
Name	Heather B. Kroona
Registration Number	59572



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 30, 2012

In re Application of :

Brian Blagg

DECISION ON PETITION

Application No : 12390011

UNDER CFR 1.313(c)(1)

Filed : 20-Feb-2009

Attorney Docket No : 14288.0006US12

This is an electronic decision on the petition under 37 CFR 1.313(c)(1), filed January 30, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one of more claims, which petition 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;
- (2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

The petition complies with the requirements of 37 CFR 1.313(c)(1). Accordingly, the above-identified application is withdrawn from issue.

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.

The application is being referred to Technology Center AU 1623 for consideration of the amendment submitted with the 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
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WHITEFORD TAYLOR & PRESTON, LLP
ATTN: GREGORY M. STONE
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

MAILED
JAN 3 2011
OFFICE OF PETITIONS

In re Application of
Brett CAMERON, et al.
Application No. 12/390,149
Filed: February 20, 2009
Attorney Docket No. **27000-0140**

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:
:
:
:
:
:

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 10, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **WHITEFORD TAYLOR & PRESTON, LLP** has been revoked by the assignee of the patent application on January 24, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **MATTHEW J BOOTH & ASSOCIATES, PLLC**
c/o CPA GLOBAL
P.O. BOX 52050
900 SECOND AVENUE SOUTH, SUITE 1560
MINNEAPOLIS, MN 55402



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/390,157	02/20/2009	Kazuya FUKUHARA	04329.4453	4556
22852	7590	05/31/2011	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			CHACKO DAVIS, DABORAH	
			ART UNIT	PAPER NUMBER
			1722	
			MAIL DATE	DELIVERY MODE
			05/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EL

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Fukuhara, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/390157	:	PROSECUTION HIGHWAY
Filed: February 20, 2009	:	PROGRAM AND
For: SEMICONDUCTOR DEVICE	:	PETITION TO MAKE SPECIAL
MANUFACTURING METHOD	:	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 April 12, 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 JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/ Emily M. Le/

Emily M. Le
Supervisory Patent Examiner,
Technology Center 1700



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 27, 2012

The Law Office of John T. Whelan, LLC
2315 Hallowing Point Road
Prince Frederick MD 20678

Re Application o

JAYACHANDRA, DAKALA, Et AL_

Application: **12/390203**

Filed: **02/20/2009**

Attorney Docket No: **ARI-005**

: 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 20, 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 inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/390,236	02/20/2009	Takehiko Kurashige	6639P608	4709
7590		12/14/2011	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP		RUTZ, JARED IAN		
1279 OAKMEAD PARKWAY		ART UNIT	PAPER NUMBER	
SUNNYVALE, CA 94085-4040		2187		
		MAIL DATE	DELIVERY MODE	
		12/14/2011	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



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**TROUTMAN SANDERS LLP
5200 BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E.
SUITE 5200
ATLANTA GA 30308-2216**

**MAILED
JUN 21 2011
OFFICE OF PETITIONS**

In re Application of :
Mary Massaruto Arnold et al. :
Application No. 12/390,240 : DECISION ON PETITION
Filed: February 20, 2009 :
Attorney Docket No. ARNOLD1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the 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 petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$405, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the RCE 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 3611 for appropriate action by the Examiner in the normal course of business on the reply received May 13, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/390,274

02/20/2009

Takehiko Kurashige

6639P607

4782

7590 10/17/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

RUTZ, JARED IAN

ART UNIT	PAPER NUMBER
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2187

MAIL DATE	DELIVERY MODE
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10/17/2011

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



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Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

SEP 24 2010

In re Application of
Tseng, et al.
Application No.: 12/390,433
Filed: February 21, 2009
Attorney Docket No: 7000.297

: **OFFICE OF PETITIONS**
:
: **ON PETITION**
:
:

This is in response to the petition under 37 CFR 1.137(b) filed September 2, 2010.

The petition under 37 CFR 1.137(b) is **granted**.

On March 9, 2009, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). The Notice required payment of the filing, examination, and search fees, and a surcharge. A proper response was not received within the allowable period, and the application became abandoned on May 10, 2009. A Notice of Abandonment was mailed on November 16, 2009.

The filing, examination, and search fees, and a surcharge, are noted and made of record.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12390477	
Filing Date	22-Feb-2009	
First Named Inventor	Edward Whitaker	
Art Unit	3749	
Examiner Name	AVINASH SAVANI	
Attorney Docket Number	211-001	
Title	Thermal Storage System	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		26542 <hr style="width: 100px; margin-left: auto; margin-right: 0;"/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Edward J. Whitaker Thermal Storage Solutions	
Address	119 Pleasant Street	
City	South Ryegate	
State	VT	
Postal Code	05069	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/James Marc Leas/
Name	James Marc Leas
Registration Number	34372



UNITED STATES 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 4,2011

In re Application of :

Edward Whitaker

Application No : 12390477

Filed : 22-Feb-2009

Attorney Docket No : 211-001

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 4,2011

The request is **APPROVED**.

The request was signed by James Marc Leas (registration no. 34372) on behalf of all attorneys/agents associated with Customer Number 26542 . All attorneys/agents associated with Customer Number 26542 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 Edward J. Whitaker
Name2 Thermal Storage Solutions
Address 1 119 Pleasant Street
Address 2
City South Ryegate
State VT
Postal Code 05069
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

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12390490
Filing Date	22-Feb-2009
First Named Inventor	Yaowen Li
Art Unit	2121
Examiner Name	RYAN JARRETT
Attorney Docket Number	119.0025
Title	SYSTEMS AND TECHNIQUES FOR REDUCING GROUP DELAY RIPPLE IN A DISPERSION COMPENSATING GRATING

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

Petition fee

The petition fee under 37CFR 1.17(m) is attached.

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- A joint inventor; all of whom are signing this e-petition.
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/ Daniel Kim /
Name	Daniel Kim
Registration Number	32250



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 : February 6, 2012

In re Application of :

Yaowen Li

Application No : 12390490

Filed : 22-Feb-2009

Attorney Docket No : 119.0025

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 6, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO		PTO/SB/83
Document Description: Petition automatically granted by EFS-Web		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12390517	
Filing Date	23-Feb-2009	
First Named Inventor	George Blume	
Art Unit	3746	
Examiner Name	DNYANESH KASTURE	
Attorney Docket Number	043251.0039	
Title	VALVE GUIDE AND SPRING RETAINER ASSEMBLIES	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		30150
The reason(s) for this request are those described in 37 CFR: 10.40(b)(2)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	George H. Blume	
Address	107 Morning Cloud Cove	
City	Austin	
State	TX	
Postal Code	78734	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Dennis W. Gilstad/
Name	Dennis W. Gilstad
Registration Number	36810



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Decision Date : December 18, 2011

In re Application of :

George Blume

Application No : 12390517

Filed : 23-Feb-2009

Attorney Docket No : 043251.0039

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 18, 2011

The request is **APPROVED**.

The request was signed by Dennis W. Gilstad (registration no. 36810) on behalf of all attorneys/agents associated with Customer Number 30150. All attorneys/agents associated with Customer Number 30150 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 George H. Blume
Name2
Address 1 107 Morning Cloud Cove
Address 2
City Austin
State TX
Postal Code 78734
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

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**JOHN ALEXANDER GALBREATH
2516 CHESTNUT WOODS CT
REISTERSTOWN MD 21136**

MAILED

SEP 26 2011

In re Application of	:	OFFICE OF PETITIONS
LAU	:	
Application No. 12/390,521	:	DECISION ON PETITION
Filed: February 23, 2009	:	TO WITHDRAW
Attorney Docket No. L022309	:	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 6, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because Petitioner has not complied with current USPTO requirements as set forth in 37 CFR 10.40. In this regard, 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 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(c).

Petitioner has not complied with items (1) - (3) of the above-identified certifications.

Further, the Request to Withdraw from record cannot be approved because no change of correspondence address for future communications from the Office has been provided. 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. If a change of address is to a new attorney or firm, a proper power of attorney must be filed with the Office.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P. O. Box 1450
Alexandria, VA 22313-1450

March 28, 2011

Patent No.: 7,890,042 B2
Applicaton No.: 12/390,569
Applicant : Naoyuki Ishida, et al.
Issued : February 15, 2011
For : **IMAGE FORMING APPARATUS WITH FIXING UNIT HAVING INDUCTION HEATING MEMBER AND SHIELDING MEMBER FOR CONTROLLING INDUCTION HEATING**
Docket No. : P3011US

Re: Request for Certificate of Correction filed March 16, 2011

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

Respecting the alleged error on the title page at Item (75) Inventors section, replace "Syoukou Gon, Osaka (JP)" with "Syoukou Gon, Osaka (KR). The inventor's address is printed in accordance with the *"Residence Address in assigned patents or P.O. Box Address for not assigned patents"* on the Declaration. The information printed for the inventor section is based solely on the inventor name(s), city and state or country of residence of the inventor(s). The "(JP)" for inventor "Syoukou Gon" refers to the country of residence not the country of citizenship for the inventor. Therefore no correction is needed for this alleged error.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Antonio Johnson
(571)272-0483
For Mary F. Diggs, Supervisor
Decisions & Certificates of Correction Branch
(703) 756-1580

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1205 MANATEE AVENUE WEST
BRADENTON FL 34205

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
William W. Henning :
Application No. 12/390,582 : **DECISION ON PETITION**
Filed: February 23, 2009 :
Attorney Docket No. AFI 001 P2 DI-2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed February 17, 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 March 18, 2010. A Notice of Abandonment was mailed on September 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 an election and amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the election and amendment is accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3711 for appropriate action by the Examiner in the normal course of business on the reply received December 21, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: William W. Henning
P.O. Box 1356
Oneco, FL 34264