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Date: 12/29/11

Patent No. : 8068257 B2  
Ser. No. : 12/390,583  
Inventor(s) : Li, et al.  
Issued : November 29, 2011  
Title : **COLOR PRINTING REDUCING ARTIFACTS AND BANDING BY RENDERING BLACK DOTS, REPLACING DOTS WITH PROCESS BLACK, AND ADDING NON-BLACK DOTS FOR DIFFERENT SUBSETS OF BLACK DOTS**  
Docket No. : 20080403USNP-XER2088US01

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

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

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

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

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

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

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

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



Lamonte M. Newsome  
For Mary Diggs, Supervisor  
Decisions & Certificates  
Of Correction Branch  
(571) 272-3421 or (703) 305-8309

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**MAILED**  
**APR 16 2012**  
**OFFICE OF PETITIONS**

In re Patent No. 8,068,257 :  
Issue Date: November 29, 2011 :  
Application No. 12/390,583 : ON PETITION  
Filed: February 23, 2009 :  
Attorney Docket No. 20080403USNP- :  
XER2088US01 :

This is a decision on the petition filed February 29, 2012, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to add the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **Dismissed**.

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

Any request for issuance of an application in the name of the assignee submitted after the date of the payment of the issue fee, and any request that a patent be corrected to state the name of assignee must:

- (A) state the assignment was submitted for recordation as set forth in 37 CFR §3.11 before issuance of the patent;
- (B) provide a request for a certificate of correction §1.323;
- (C) provide the fee set forth in 37 CFR §1.20 (a) and
- (D) provide the processing fee set forth in 37 CFR §1.17(i)

<sup>1</sup> See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.





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**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

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This English translation is produced by machine translation and may contain errors. The JPO, the INPIT, and those who drafted this document in the original language are not responsible for the result of the translation.

**Notes:**

1. Untranslatable words are replaced with asterisks (\*\*\*\*).
2. Texts in the figures are not translated and shown as it is.

Translated: 04:00:17 JST 03/22/2011

Dictionary: Last updated 01/13/2011 / Priority: 1. Biotechnology / 2. Medical/Pharmaceutical sciences / 3. Chemistry

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**CLAIM + DETAILED DESCRIPTION**

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**[Claim(s)]****[Claim 1]**

Inside of charged amino acid which exists in a C-terminus helix portion of a thermophilic bacterium, a hyperthermophilic bacterium, thermophile archebacterium, or a heat-resistant DNA ligase of hyperthermophilic archaea origin, When an amino acid sequence of the heat-resistant DNA ligase concerned is aligned with an amino acid sequence of a heat-resistant DNA ligase of the *Pyrococcus furiosus* (*Pyrococcus furiosus*) origin shown in SEQ ID NO 1, The 540th aspartic acid of an amino acid sequence shown in said SEQ ID NO 1, A changed type heat-resistant DNA ligase produced by replacing at least two chosen from four amino acid corresponding to the 547th glutamine, the 554th lysine, and the 558th lysine by alanine, a threonine, or serine.

**[Claim 2]**

The changed type heat-resistant DNA ligase according to claim 1 in which all the four amino acid corresponding to the 540th aspartic acid of an amino acid sequence shown in said SEQ ID NO 1, the 547th glutamine, the 554th lysine, and the 558th lysine is replaced.

**[Claim 3]**

The changed type heat-resistant DNA ligase according to claim 1 or 2 in which said substitution is the substitution to alanine.

**[Claim 4]**

A changed type heat-resistant DNA ligase given in any 1 paragraph of Claims 1-3 currently carrying out the deletion of the 12 or less residue of four or more residues from a C terminus of a C-terminus helix portion.

**[Claim 5]**

A changed type heat-resistant DNA ligase given in any 1 paragraph of Claims 1-4 whose DNA ligase is of the *Pyrococcus furiosus* (*Pyrococcus furiosus*) origin.

## [Claim 6]

DNA which encodes a changed type heat-resistant DNA ligase of a description in any 1 paragraph of Claims 1-5.

## [Claim 7]

An expression vector containing the DNA according to claim 6.

## [Claim 8]

A manufacturing method of a changed type heat-resistant DNA ligase collecting protein which has DNA ligase activity from a culture obtained by culturing a host cell introduced in the vector according to claim 7.

## [Claim 9]

The LCR method using a changed type heat-resistant DNA ligase of a description for any 1 paragraph of Claims 1-5.

## [Claim 10]

A kit for LCR which contains a changed type heat-resistant DNA ligase of a description in any 1 paragraph of Claims 1-5.

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[Detailed Description of the Invention]

## [Field of the Invention]

## [0001]

This invention relates to an efficient heat-resistant DNA ligase. It is related with the efficient heat-resistant DNA ligase produced by replacing in detail at least two or more [ of the charged amino acid which consists in the C-terminus helix portion of a DNA ligase ], or the efficient heat-resistant DNA ligase which has the deletion of said substitution and a C-terminus helix portion.

## [Background of the Invention]

## [0002]

A DNA ligase is enzyme which has the activity which connects the 3'-OH radical and 5'-phosphate group of a DNA strand by a phosphodiester linkage.

In the living body, it is participating in replication of DNA or restoration.

In recent years, as new gene amplification art, the Ligase Chain Reaction (LCR) method is developed and it is used. The LCR method is a procedure of performing a thermal cycling reaction using a heat-resistant DNA ligase, and amplifying or detecting a target gene. In order to raise the efficiency of the LCR method, it looks for a heat-resistant ligase with higher activity, and the market is supplied.

## [0003]

Recently, the DNA ligase which has the thermal stability which was excellent in the

hyperthermophilic archaea origin was discovered (refer to nonpatent literature 1). However, since these heat-resistant DNA ligases had the very low binding affinity to DNA, even if there was thermal stability, there was a problem that reaction efficiency was low. On the other hand, although the DNA ligase of phage origin is known as enzyme with a high binding affinity with DNA, since these DNA ligases are lacking in a heat-resisting property, they are unsuitable for the LCR method. It has a high heat-resisting property and DNA binding ability after all, and the DNA ligase which can perform the LCR method efficiently with sufficient rate of reaction is not yet found.

[0004]

[Nonpatent literature 1] The Press Releases (2003) of the NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY homepage "succeed in development of the enzyme for gene diagnoses (DNA ligase) in which the highest thermal stability in the world is shown"

[Description of the Invention]

[Problem to be solved by the invention]

[0005]

The issue which this invention should solve has a high heat-resisting property and DNA binding ability, and there is in obtaining the efficient DNA ligase which can react to a substrate with sufficient rate of reaction.

[Means for solving problem]

[0006]

this invention person discovered that repeated research wholeheartedly in order to solve above-mentioned SUBJECT, and the C-terminus helix portion of a DNA ligase had controlled the pliability of enzyme, and the binding affinity with DNA was controlled by that. And it succeeded in raising the DNA binding ability of enzyme by carrying out the deletion of a part or all of the C-terminus helix concerned. However, this DNA ligase had the problem that stability was low, although DNA binding ability was improving. The charged amino acid which exists in a C-terminus helix portion by the deletion of the above-mentioned C-terminus portion was exposed to the protein surface, and this was considered for the hydrophilicity of enzyme to fall. On the other hand, when inventors replaced some or all of charged amino acid that consists in a C-terminus helix by the small amino acid (alanine, a threonine, serine) of the side chain by hydrophilicity, they found out that an unprecedented DNA ligase with high reaction efficiency was obtained. By combining the substitution of said charged amino acid, and the deletion of a C-terminus portion, it found out that the DNA ligase not only high temperature activity but whose activity near 20-30 \*\* improved was obtained, and this invention was completed.

[0007]

Namely, the inside of the charged amino acid in which this invention exists in the C-terminus

helix portion of a thermophilic bacterium, a hyperthermophilic bacterium, thermophile archeobacterium, or the heat-resistant DNA ligase of hyperthermophilic archaea origin, It is related with the changed type heat-resistant DNA ligase produced by replacing at least two by alanine, a threonine, or serine. The charged amino acid to change has the preferred amino acid exposed to the protein surface, For example, when the amino acid sequence of the heat-resistant DNA ligase concerned is aligned with the amino acid sequence of the heat-resistant DNA ligase of the *Pyrococcus furiosus* (*Pyrococcus furiosus*) origin shown in SEQ ID NO 1, Four amino acid corresponding to the 540th aspartic acid of the amino acid sequence shown in said SEQ ID NO 1, the 547th glutamine, the 554th lysine, and the 558th lysine can be mentioned.

[0008]

As for the amino acid to replace, it is preferred to be carried out or more to at least two among four amino acid which a side chain is small amino acid, \*\*\*\*ed, and described above by hydrophilicity, such as alanine, a threonine, or serine, as mentioned above. In the embodiment of this invention, the example which replaced two or more amino acid by alanine is especially given as a desirable example.

[0009]

As for a changed type heat-resistant ligase, it is preferred to carry out the deletion of the 12 or less residue of four or more residues from the C terminus of a C-terminus helix portion in accordance with said substitution.

[0010]

As a suitable example of enzyme, the heat-resistant DNA ligase of the *Pyrococcus furiosus* (*Pyrococcus furiosus*) origin can be mentioned.

[0011]

DNA which encodes said changed type heat-resistant DNA ligase, and the expression vector containing this DNA also provide this invention again.

[0012]

Furthermore, this invention also provides the manufacturing method of the changed type heat-resistant DNA ligase collecting the protein which has DNA ligase activity from the culture obtained by culturing the host cell introduced in said vector.

[0013]

Furthermore, this invention also provides the LCR method using the changed type heat-resistant DNA ligase of this invention, and the kit for it.

[Effect of the Invention]

[0014]

According to this invention, the changed type heat-resistant DNA ligase which excelled native status in DNA binding ability and reactivity (stability) is provided. The LCR method it is quick

and singularity is high is realized by the changed type heat-resistant DNA ligase of this invention, and it becomes possible to carry out detection of gene amplification and point mutation efficiently. With said changed type heat-resistant DNA ligase of this invention, the high genetic manipulation of selectivity becomes possible.

[Best Mode of Carrying Out the Invention]

[0015]

#### 1. Changed type heat-resistant DNA ligase

This invention at least two of the charged amino acid which exists in the C-terminus helix portion of a thermophilic bacterium, a hyperthermophilic bacterium, thermophile archeobacterium, or the heat-resistant DNA ligase of hyperthermophilic archaea origin Alanine, It is related with the changed type heat-resistant DNA ligase which is produced by replacing by a threonine or serine and which excelled naturally occurring type (it is native) enzyme in DNA binding ability and reactivity (stability).

[0016]

[ the "heat-resistant DNA ligase" used by this invention ] A thermophilic bacterium (for example, bacillus SUTEARO thermofilus (*Bacillus stearothermophilus*) etc.), A hyperthermophilic bacterium (for example, thermostat toga Mali Tema (*Thermotoga maritima*) etc.), It is the DNA ligase excellent in the thermal stability acquired from thermophile archeobacteria (for example, thermostat plasma BORUKANIUMU (*Thermoplasma volcanium*) etc.) or hyperthermophilic archaea (for example, aero pilum PERUNIKUSU (*Aeropyrum pernix*) etc.). The amino acid sequence of such a heat-resistant DNA ligase is already publicly known, For example, :*Archaeoglobus fulgidus* (O29632) registered into GenBank which is a public database, *Methanobacterium thermoautotrophicum* (U51624-4), *Methanococcus jannaschii* (U67474-4), *Thermococcus kodakaraensis* (AB042527), *Pyrococcus abyssi* (B75173), and *Pyrococcus furiosus* (NC003413 - complete genome -). As for especially the above mentioned heat-resistant DNA ligase, it is preferred that it is of a hyperthermophilic bacterium or hyperthermophilic archaea origin, and it can mention the DNA ligase of the *Pyrococcus furiosus* (*Pyrococcus furiosus*) origin (SEQ ID NO 1) as the most desirable example.

[0017]

Since the DNA ligase obtained from the above mentioned bacteria the place where the usual DNA ligase acts at 20-30 \*\* can maintain activity stably also at high temperature, in the nucleic-acid-amplification art and inheritable-genetic-modification art which need a heat cycle, such as LCR, it is very useful. As for especially the DNA ligase of this invention, although it does not limit, it is preferred that enzyme activity is maintainable above 90 \*\* not less than 70 \*\*.

[0018]

The heat-resistant DNA ligase of this invention has a helix portion in a C terminus, It has the

DNA ligase (SEQ ID NO 1) and homogeneity (the sequence identity in an amino acid level is not less than 80% more preferably not less than 70% not less than 60%) of the *Pyrococcus furiosus* (*Pyrococcus furiosus*) origin shown in SEQ ID NO 1. Here, a "helix portion" means the continuous amino acid region which constitutes the helix of enzyme. A DNA ligase has many which have a helix portion in a C terminus, and *Homo sapiens*, yeast, and the DNA ligase of bacteria origin also have a helix in a C terminus. It is thought that this C-terminus helix portion makes structure of enzyme strong, but on the other hand the pliability of enzyme is controlled, a binding affinity with DNA is controlled by that, and it becomes a cause to which reactivity is reduced.

[0019]

In this invention, hydrophilicity replaces at least two or more [ of the charged amino acid (glutamic acid, aspartic acid, lysine, arginine, histidine) which exists in said C-terminus helix portion ] with the small amino acid (alanine, a threonine, or serine) of a side chain.

[0020]

When the amino acid sequence of the target heat-resistant DNA ligase is more specifically aligned with the amino acid sequence of the heat-resistant DNA ligase of the *Pyrococcus furiosus* (*Pyrococcus furiosus*) origin shown in SEQ ID NO 1, Or more [ it is chosen out of four amino acid corresponding to the 540th aspartic acid of the amino acid sequence shown in said SEQ ID NO 1, the 547th glutamine, the 554th lysine, and the 558th lysine ] two [ at least ], it replaces as mentioned above. An example of alignment is shown in drawing 2. Among drawing 2, especially Motif VI is found out common to all the DNA ligases, it is one of six portions with high homogeneity (motif I - VI). From this motif, it is easy to make judgment that it is alignment top homology, so that it is near. The helix part of the C terminus which adds change this time is very close to motif VI.

[0021]

Although the pliability of enzyme was improved when inventors did the deletion of the 12 or less residue of four or more residues from the C terminus of the helix portion of a C terminus at the beginning, and it succeeded in raising the combination to a DNA molecule, this deletion exposed charged amino acid and reduced the stability of enzyme. Then, when some or all of the helix portion of charged amino acid was replaced as mentioned above, even if there was no deletion of a C-terminus portion, the DNA ligase with high reactivity was obtained at high temperature. [ of the C terminus ] When the deletion of a C-terminus portion and the above-mentioned substitution were combined, enzyme with high reactivity was obtained also in a 20-30 \*\* [ not only high temperature but ] field.

[0022]

Said amino acid substitution is performed or more [ of charged amino acid ] about at least two. This is because it is considered necessary minimum although the variation of two residues

brings about the effect which reduces the interaction between domains.

[0023]

As mentioned above, an amino acid substitution may be performed in combination with the deletion of the portion of a C-terminus helix. As for deletion of a C-terminus helix, it is desirable to carry out by carrying out the deletion of the continuous four or more residues amino acid of 12 or less residue from the C terminus of enzyme.

[0024]

The deletion of the above mentioned amino acid substitution or a C-terminus portion can be performed to a person skilled in the art using a publicly known procedure. For example, an amino acid substitution can be performed by replacing by the codon of the amino acid aiming at the codon of variation introduction amino acid using a site-specific-mutation method. The deletion of a C-terminus portion can be performed by carrying out the deletion of the C-terminal-amino-acid arrangement in which a code is carried out by insertion of a stop codon to below a stop codon.

[0025]

In the nucleic-acid-amplification art and inheritable-genetic-modification art which have high reactivity in 70-80 \*\* high temperature, and need a heat cycle, the DNA ligase obtained in this way is useful.

[0026]

## 2. Recombination production of changed type heat-resistant DNA ligase

### 2.1 DNA which encodes changed type heat-resistant DNA ligase

DNA which encodes the changed type heat-resistant DNA ligase concerning this invention is obtained by introducing the C-terminus partial deletion by introduction of site-specific mutation or site-specific mutation, and a stop codon into a publicly known naturally occurring type heat-resistant DNA ligase gene. At least in a part, \*\* variation introduction is a commercial kit (for example). [ QuikChange XL Site-Directed Mutagenesis kit (STRATAGENE) and ] It can carry out easily using Transformer™ Site-Directed Mutagenesis Kit (CLONTECH) etc.

[0027]

### 2.2 Expression vector

Subsequently, DNA which encodes said changed type heat-resistant DNA ligase is connected with publicly known vectors, such as a plasmid (insertion), and an expression vector is produced. Especially if said vector can be reproduced in a host, it will not be limited, for example, plasmid DNA, phage DNA, etc. are mentioned.

[0028]

The plasmid of the coliform bacillus origin as said plasmid DNA (for example) [ pBR322, pBR325, pUC18, pUC119 pTrcHis pBlueBacHis, etc. ] . pET21 vector which has T7 powerful promotor especially is preferred. The plasmids of bacillus subtilis origin (for example, pUB110,

pTP5, etc.), the plasmids of yeast origin (for example, YEp13, YEp24, YCp50, pYE52, etc.), etc. are mentioned for a lambda phage etc. as phage DNA.

[0029]

The procedure of insertion of the gene of this invention to said vector cutting refined DNA with a suitable restriction enzyme first, inserting it in the suitable restriction enzyme part or multi-cloning site of vector DNA, and connecting with a vector is adopted.

[0030]

In order to make a foreign gene reveal within a host, it is necessary to arrange a promoter suitable in front of a structural gene. Said promoter in particular is not limited but the arbitrary things by which functioning within a host is known can be used. A promoter is explained in full detail for every host in the transformant mentioned later. As long as it is required, cis-elements, such as an enhancer, a splicing signal, a poly A addition signal, a ribosome junction sequence (SD sequence), terminator arrangement, etc. may be arranged.

[0031]

As an example of the plasmid which may reveal the changed type heat-resistant DNA ligase of this invention, pET21d-PfuLigDala and pET21 d-PfuLigD delta 12 which were obtained by this invention are mentioned.

[0032]

### 2.3 Changed type heat-resistant DNA ligase expression system (host cell)

Subsequently, it introduces into a host so that an objective gene may reveal said vector, and a changed type heat-resistant DNA ligase expression system is produced. It will not be limited especially if it is also being able to reveal DNA of this invention as a host here, For example, ESSHIERIHIA groups, such as an ESSHIERIHIA Coli (*Escherichia coli*), *Bacillus*, such as *Bacillus Subtilis* (*Bacillus subtilis*), *Pseudomonas*, such as *Pseudomonas putida* (*Pseudomonas putida*), The bacteria belonging to *Rhizobium*, such as *rhizobium MERIROTEI* (*Rhizobium meliloti*), *Saccharomyces Selby Xie* (*Saccharomyces cerevisiae*), The insect cell of animal cells, such as yeast, such as CHIZOSAKKAROMISESU POMBE (*Schizosaccharomyces. pombe*) and *Pichia pastoris* (*Pichia pastoris*), other COS cells, and a CHO cell, or Sf19, and Sf21 grade can be mentioned.

[0033]

When making bacteria, such as coliform bacillus, into a host, while the recombinant vector of this invention can replicate autonomously in these bacteria, it is preferred to be constituted by a promoter, a ribosome junction sequence, the gene of this invention, and the conclusion arrangement of transfer. The gene which controls a promoter may be contained. As coliform bacillus, they are mentioned by ESSHIERIHIA Coli (*Escherichia coli*) HMS174 (DE3), K12, DH1, the B share, etc., and, for example, [ as *Bacillus subtilis* ] For example, *Bacillus Subtilis* (*Bacillus subtilis*) MI 114 and 207-21 grade are mentioned. The promoter who will not be

limited as a promotor especially if it can be revealed in the above-mentioned hosts, such as coliform bacillus, for example, originates in coliform bacillus and phages, such as a trp promotor, a lac promotor, a  $P_L$  promotor, and a  $P_R$  promotor, is mentioned. The promotor by whom design change was done artificially may be used like a tac promotor. The procedure [Cohen and S.N. et al.:Proc. Natl. Acad. Sci., USA, and 69:2110-2114] (1972) of the introducing method in particular of the recombinant vector to bacteria not being limited, for example, using calcium ion, The electroporation process etc. can be mentioned.

[0034]

When making yeast into a host, *Saccharomyces cerevisiae*, *Schizosaccharomyces POMBE*, *Pichia pastoris*, etc. are used, for example. As a promotor, especially if it can be revealed in yeast, it will not be limited, For example, gal1 promotor, gal10 promotor, a heat shock protein promotor, MFalpha1 promotor, PHO5 promotor, a PGK promotor, a GAP promotor, an ADH promotor, AOX1 promotor, etc. can be mentioned. It is not limited, for example, especially the introducing methods of the vector to yeast are electroporation process [Becker, D.M. et al.:Methods. Enzymol., and 194. : [ 182-187] (1990), ] Spheroplast method [Hinnen, A.et al.:Proc. Natl. Acad. Sci., USA, 75 : 1929-1933] (1978), A lithium acetate method [Itoh, H.:J. Bacteriol., and 153:163-168] (1983) etc. can be mentioned.

[0035]

#### 2.4 Cultivation of transformant

The changed type heat-resistant DNA ligase of this invention can be obtained by cultivating said transformant by a suitable medium and extracting the protein which has DNA ligase activity from the culture. The method of cultivating the transformant of this invention is suitably determined according to a host. For example, in the case of the transformant which makes microorganisms, such as coliform bacillus and yeast, a host, a carbon source, a nitrogen source, mineral, etc. in which a microorganism can carry out utilization are contained, and as long as it is a medium which can cultivate a transformant efficiently, any of a natural medium and a synthetic medium may be used.

[0036]

Antibiotics, such as Ampicillin and a tetracycline, may be added to a medium if needed during cultivation. When cultivating the microorganism transformed by the expression vector using an inductive thing as a promotor, an inducer may be added to a medium if needed. When [ for example, ] cultivating the microorganism transformed by the expression vector using a lac promotor, When cultivating the microorganism which transformed isopropyl-beta-thio galactopyranoside (IPTG) etc. by the expression vector using a trp promotor, the Indore acrylic acid (IAA) etc. may be added to a medium.

[0037]

After cultivation, when enzyme protein of this invention is produced in a cell or a cell, a cell or a

cell is crushed. On the other hand, when the protein of this invention is secreted out of a cell or a cell, centrifugal separation etc. recover, using a medium as it is.

[0038]

What is necessary is to be independent, or to combine suitably ammonium sulfate precipitation, SDS-PAGE, gel filtration, an ion exchange chromatography, affinity chromatography, etc., and just to use them for isolation and refining of protein, for example.

[0039]

The enzyme activity of the changed type heat-resistant DNA ligase of this invention can be checked by detecting ligation according to fluorescence etc. by a procedure which was indicated in the embodiment. Or the antibody specifically combined with the target changed type heat-resistant DNA ligase can be produced, and a manifestation can also be checked by Western blotting using this antibody.

[0040]

### 3. LCR using changed type heat-resistant ligase, and kit for LCR

This invention provides the kit for LCR containing the LCR method using the DNA ligase variant of this invention, and the changed type heat-resistant ligase of this invention in the further mode. Like \*\*\*\*, also at high temperature, the changed type heat-resistant DNA ligase of this invention maintains high enzyme activity, and demonstrates the power in the LCR method which needs a heat cycle. That is, if the changed type heat-resistant ligase of this invention which was excellent in a heat-resisting property, a binding affinity with DNA, and reactivity is used, the more specific and quick LCR method can be performed and detection of efficient gene amplification and point mutation, etc. can be performed.

[0041]

The kit for LCR of this invention contains the changed type heat-resistant ligase of this invention as the indispensable composition ingredient. Said kit may contain further the reagents and instruments which are usually needed for LCR, such as supplementary factors, such as an operation manual, a surface-active agent, dNTP (nucleic acid), various primers (nucleic acid), pH buffer solution, magnesium fluid, other peptides, or protein.

[0042]

Although an embodiment is shown below and this invention is more concretely explained to it, an embodiment must not be understood to limit the range of this invention.

[Work example 1]

[0043]

#### Preparation of a C-terminus helix variation introduction ligase

##### (1) Preparation of the *Pyrococcus furiosus* (*P. furiosus*) genomic DNA

*P. furiosus* DSM3638 comes to hand from Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH, It cultivated in accordance with the procedure of document (a

NUKUREIKKU acid research (Nucleic Acids Research), the 21st volume, 259 - 265 pages). About 1.2-g cell was obtained from a 500-ml medium. This was suspended in buffer solution L (10mM tris-hydrochloric acid (pH 8.0), 1mM EDTA, 100mM NaCl)10ml, and 1 ml of SDS(s) were added 10%. Proteinase K (20mg/(ml)) was settled at 50 ml, in addition 55 \*\* after churning for 60 minutes. Phenol extraction, a phenol/chloroform extraction, and after carrying out chloroform extraction, ethanol was added for reaction mixture one by one after that, and DNA was insolubilized. Collected DNA was dissolved in 1 ml of TE liquid (10mM tris-hydrochloric acid, (pH 8.0), 1mM EDTA), 0.75-mg RNase A was added, and it was made to react at 37 \*\* for 60 minutes. After that, once again, phenol extraction, a phenol/chloroform extraction, and after carrying out chloroform extraction, ethanol precipitation recovered DNA for reaction mixture. 0.75 mg of DNA was obtained.

[0044]

## (2) Cloning of a lig gene

P. The primer for amplifying the field expected to be a lig gene from the genomic DNA of *furiosus* by PCR was designed. 5'-CTAGTGGATCTGATGCGTTATCTGG-3' (SEQ ID NO 9), 5'-TCGGGACTATTGTTAGACCTTAGC-3' (SEQ ID NO 10) was compounded as a primer used for 1st PCR. So that annealing may be carried out inside each 1st primer as a primer used for 2nd PCR 5'-GGCCATGGGTTATCTGGAGCTTGCTCAAC-3 (SEQ ID NO 11), 5'-GCGGATCCTTAGCTTTCCACTTTTCTTTCATC-3' (SEQ ID NO 12) was created. According to ATG expected to be a translation initiation codon of a lig gene, the NcoI recognition sequence was incorporated in the forward primer. The BamHI recognition sequence was introduced immediately after the stop codon at the reverse primer. using a PyroBEST DNA polymerase (Takara Bio, Inc.) -- 95 \*\* of thermal denaturation, and annealing 55\*\*, and 72 \*\* of elongation reactions -- 30 cycle -- \*\*\*\*\* -- the target gene was amplified on PCR conditions. 2nd PCR was performed on the same conditions by having used 1st PCR product as the mold, the product was built into the pGEM-T easy vector (Promega), and the base sequence of the insert field was checked using the DNA sequencer (Beckman Coulter). Then, the lig gene which was cut by NcoI-BamHI and started from the pGEM-T easy vector was inserted in the pET21d vector (EMD Bioscience), and plasmid pET21 d-lig was obtained. The place whose 2nd amino acid of a translation product in which the 2nd codon agg shown in SEQ ID NO 1 is obtained by changing to ggt for this expression system construction since NcoI arrangement was introduced into the start codon part is originally Arg is Gly (SEQ ID NO 3 and four references).

[0045]

Use this plasmid pET21d-lig as a mold, and The 540th aspartic acid, Mutational site introduction was performed in the following procedures by the site-specific-mutation method in order to produce the variant (Dala) which replaced all of the 547th glutamine, the 554th lysine, and the 558th lysine by alanine. Primer set 5'-GAAAAGATGAAAGGAGCAGTGAAAGCTAA-

3' for variant (K558A) production which replaced the 558th lysine by alanine (SEQ ID NO 13), 5'-TTAGCTTTCCACTGCTCCTTTCATCTTTTC-3' (SEQ ID NO 14), using a PyroBEST DNA polymerase (Takara Bio, Inc.) -- 95 \*\* of thermal denaturation, and annealing 55\*\*, and 72 \*\* of elongation reactions -- 20 cycle -- \*\*\*\*\* -- the target gene was amplified on PCR conditions. Primer set 5'-TACGAGTTGCAAGAAGCGATGAAAGGAGCA-3' for variant (K554 A/K 558A) creation which replaced the 554th [ further ] lysine by alanine by using the obtained K558A plasmid as a mold (SEQ ID NO 15), The target gene was amplified by the same procedure using 5'-TGCTCCTTTCATCGCTTCTTGCAACTCGTA-3' (SEQ ID NO 16). The K554 A/K558A plasmid obtained next is used as a mold, Primer set 5'-ATAGAGAGAATCGCAGCACTTTACGAGTTG-3' for variant (Q547 A/K554 A/K 558A) creation which replaced the 547th [ further ] glutamine by alanine (SEQ ID NO 17), The target gene was amplified by the same procedure using 5'-CAACTCGTAAAGTGCTGCGATTCTCTCTAT-3' (SEQ ID NO 18). The Q547 A/K554 A/K558A plasmid furthermore obtained is used as a mold, Primer set 5'-GGACCAGAAGATGCAGCTACAATAGAGAGA-3' for variant (Dala) creation which replaced the 540th aspartic acid by alanine (SEQ ID NO 19), The Dala plasmid (pET21d-ligDala) of the last purpose was able to be obtained by the same procedure using 5'-TCTCTCTATTGTAGCTGCATCTTCTGGTCC-3' (SEQ ID NO 20).

[0046]

Mutational site introduction was performed in the following procedures by the site-specific-mutation method in order to create the variant (Ddelta12) which replaced the 540th aspartic acid and the 547th glutamine by alanine, and carried out 12 residue deletion from the C terminus next. In order for this to use as a mold the Dala plasmid obtained above and also to introduce a stop codon into 12 residue eye from a C terminus, Primer set 5'-ATCGCACAACCTTTACTAGTTGCAAGAAGCG-3' for Ddelta12 creation (SEQ ID NO 21), Ddelta12 plasmid (pET21 d-ligD delta 12) was able to be obtained by the same procedure using 5'-CGCTTCTTGCAACTAGTAAAGTTGTGCGAT-3' (SEQ ID NO 22).

[0047]

(3) Construction and refining of the mass expression system of a *P.furiosus* origin wild type ligase and a C-terminus helix variation introduction ligase (Dala, Ddelta12)

Although described about construction and refining of the mass expression system about the ligase unprocessed (wild type), hereafter, Only by the plasmid used first becoming pET21 d-ligDala and pET21 d-ligD delta 12 also about a C-terminus helix variation introduction ligase (Dala, Ddelta12), other procedures were completely the same, and the extensive manifestation of them was able to be carried out similarly, and they were able to be generated.

[0048]

Transformer form of plasmid pET21 d-lig is carried out to the KOMPITANTOSERU STRATAGENE BL21 codon plus RIL, It cultivated at 37 \*\* using Ampicillin of 100microg-mL<sup>-1</sup>,

and the Luria-Bertani medium under the chloramphenicol existence of  $20\text{microg}\cdot\text{mL}^{-1}$ . When medium turbidity (660-nm absorbance) reached 0.6, isopropyl-beta-D-thio galactopyranoside was added so that it might be set to final concentration 1mM, and the proteinic manifestation was guided. After performing cultivation for further 6 hours, the centrifuge recovered the cell. The cell was suspended in tris hydrochloric acid buffer solution (pH 8), and centrifuged by performing ultrasonic crush. Heat-treatment was performed for 80 \*\* and 20 minutes, and the supernatant was centrifuged. Polyethyleneimine was added so that it might become 0.15% (w/v) of final concentration at a supernatant, and the nucleic acid ingredient was removed by centrifugal separation. It centrifuged and precipitation was extracted, after adding an ammonium sulfate so that it may become saturation in this solution 80%.

[0049]

It dissolved in tris hydrochloric acid buffer solution (pH 8), and precipitation performed separation operation using affinity chromatography (HiTrap Heparin, 5 ml; Amersham Pharmacia biotech company), and extracted the eluate fraction of NaCl concentration 0.4-0.5M. Separation operation was further performed for this fraction using anion exchange chromatography (HiTrap Q, 5 ml; Amersham Pharmacia biotech company), and the bypassing fraction was extracted. This solution was condensed, using the gel filtration column (Superdex 200 HiLoad 26/60, the Amersham Pharmacia biotech company), separation operation was performed by a part for 2 ml of flow rate/, and the main peak eluted around [ 100 minute ] was extracted. When electrophoresis was performed about this solution, it was able to check that it is not less than 99% of purity as proteinic purity, and that a molecular weight was low by C-terminus deletion as compared with native protein. Thus, it turned out that the DNA ligase variant of this invention can be obtained easily.

[0050]

The amino acid sequence of the protein by which a code is carried out by that cause to SEQ ID NO 1 in the nucleotide sequence of DNA which encodes the DNA ligase of natural *Pyrococcus furiosus* is shown in SEQ ID NO 2. The C-terminus helix of the DNA ligase of *Pyrococcus furiosus* is constituted more by even the amino acid 540 (Asp)-561 (Ser) of SEQ ID NO 2. The amino acid sequence of the protein by which a code is carried out by that cause to SEQ ID NO 3 in the nucleotide sequence of DNA which encodes DNA of the wild type obtained in Embodiment 1 is shown in SEQ ID NO 4. The amino acid sequence of the protein by which a code is carried out by that cause to SEQ ID NO 5 in the nucleotide sequence which encodes the variant Dala obtained in Embodiment 1 is shown in SEQ ID NO 6. The amino acid sequence of the protein by which a code is carried out by that cause to SEQ ID NO 7 in the nucleotide sequence which encodes the variant Ddelta12 obtained in Embodiment 1 is shown in SEQ ID NO 8.

[Work example 2]

[0051]

Comparison with the wild type of the labile of a C-terminus helix variation introduction DNA ligase variant

(4) The oligo of 60mer of mold oligo, and 30mer by which the phosphorylation modification was carried out at the five prime end, Concentration is calculated by measuring absorbance (OD260) with a wavelength of 260 nm for the oligo of 20mer which is fluorescent substances and by which the TET sign was carried out with a spectrophotometer (GeneSpeckIII, HITACHINAKAINSU vine face company) to a five prime end, It prepared to 0.5mM, each oligo which adjusted concentration was added every [ 1 / 5 $\mu$ ], and the oligo mix was produced. The arrangement of the used oligo 60 mer:aaacgggccc gtcaacaatc ctctggagtc gacctgtagg aatgcaagct tggcgtcacg (SEQ ID NO 23), They are 30 mer:aggtcgactc cagaggattg ttgaccggcc (SEQ ID NO 24) and 20 mer:cgccaagctt gcattcctac (SEQ ID NO 25). Next, carried out thermal denaturation of the produced oligo mix for 5 minutes at 95 \*\*, it was made to descend to every 1 \*\* per for 94 \*\* to 5 minutes 2 \*\*, and three oligo was made to hybridize. The ligation reaction was performed by using the acquired annealing product as a mold. A reaction product is migrated by acrylamide / 8M Urea gel 15%, [ the fluorescence intensity of TET of the band which is in the position of 50mer which is ligation products, and 20mer of TET sign oligo with the fluoro imager 595 (GE) after migration ] It measured with the software ImageQuant for image analysis (Molecular Dynamics). The rate of the numerical value of 50mer when the sum of the fluorescence intensity numerical value detected in the position of 50mer and 20mer is made into 100% was defined as ligation efficiency, and the ligation efficiency of the various ligases in the conditions mentioned later was compared.

[0052]

The ligation efficiency of two kinds of produced variant ligases was compared with the reaction efficiency of the wild type ligase (N= 2). The ligation efficiency ratio (value of standard of the ligation efficiency of a variant ligase when the average value of the ligation efficiency of the wild type ligase obtained with each reaction temperature is set to 1) of two kinds of variant ligases which reacted at 20 to 90 \*\*, and a wild type ligase is shown in drawing 1. The plot of black (X-axis), yellowish green, and an orange shows the result obtained using a wild type, Dala, and Ddelta12 among drawing 1, respectively.

[0053]

The above result showed that ligation efficiency was rising rather than the wild type ligase at low temperature (20 \*\*, 30 \*\*) and high temperature (80 \*\*) also by low temperature (30 \*\*), high temperature (80 \*\*), and Ddelta12 in Dala.

[Work example 3]

[0054]

The heat-resisting property of the DNA ligase variant of this invention

In the early stages of refining of a native and a variant, the DNA ligase used in Embodiment 2 denatures non-heat-resistant protein intentionally, and performs 85 \*\* and heat-treatment for 20 minutes for the purpose of facilitating subsequent refining operation. In this heat-treatment, the variant showed the heat-resisting property which is equal native.

[Industrial applicability]

[0055]

By this invention, the changed type heat-resistant DNA ligase which has high DNA binding ability and reactivity is provided. The changed type heat-resistant DNA ligase concerned is useful on the nucleic-acid-amplification art and inheritable-genetic-modification art which need the reaction in high temperature, such as LCR. Therefore, this invention can be used in the area of research of biochemistry, the reagent field for research, the reagent field for diagnosis, the medicine manufacture field, etc.

[Brief Description of the Drawings]

[0056]

[Drawing 1] Drawing 1 is a graph which shows the specific activity at each temperature of a C-terminus helix variation introduction ligase (Dala, Ddelta12) when labile of a wild type ligase is set to 1.

[Drawing 2] Drawing 2 shows alignment of various DNA ligases.

[Arrangement table flirty kist]

[0057]

SEQ ID NO 1: The DNA ligase of the wild type *Pyrococcus furiosus*

SEQ ID NO 2: The DNA ligase of the wild type *Pyrococcus furiosus*

SEQ ID NO 3: The DNA ligase of the wild type *Pyrococcus furiosus* obtained in Embodiment 1

SEQ ID NO 4: The DNA ligase of *Pyrococcus furiosus* of the wild type obtained in Embodiment 1

SEQ-ID-NO 5: The DNA ligase variant of *Pyrococcus furiosus* (Dala)

SEQ-ID-NO 6: The DNA ligase variant of *Pyrococcus furiosus* (Dala)

SEQ-ID-NO 7: The DNA ligase variant of *Pyrococcus furiosus* (Ddelta12)

SEQ-ID-NO 8: The DNA ligase variant of *Pyrococcus furiosus* (Ddelta12)

SEQ ID NO 9: The primer for 1st PCR of the DNA ligase of the wild type *Pyrococcus furiosus*

SEQ ID NO 10: The primer for 1st PCR of the DNA ligase of the wild type *Pyrococcus furiosus*

SEQ ID NO 11: The primer for 2nd PCR of the DNA ligase of the wild type *Pyrococcus furiosus*

SEQ ID NO 12: The primer for 2nd PCR of the DNA ligase of the wild type *Pyrococcus furiosus*

SEQ-ID-NO 13: The primer for DNA ligase variant (K558A) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 14: The primer for DNA ligase variant (K558A) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 15: The primer for DNA ligase variant (K554 A/K 558A) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 16: The primer for DNA ligase variant (K554 A/K 558A) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 17: The primer for DNA ligase variant (Q547 A/K554 A/K 558A) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 18: The primer for DNA ligase variant (Q547 A/K554 A/K 558A) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 19: The primer for DNA ligase variant (Dala) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 20: The primer for DNA ligase variant (Dala) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 21: The primer for DNA ligase variant (Ddelta12) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 22: The primer for DNA ligase variant (Ddelta12) amplification of *Pyrococcus furiosus*

SEQ-ID-NO 23: The DNA ligase of *Pyrococcus furiosus*, and 60mer substrate of the variant

SEQ-ID-NO 24: The DNA ligase of *Pyrococcus furiosus*, and 30mer substrate of the variant

SEQ-ID-NO 25: The DNA ligase of *Pyrococcus furiosus*, and 20mer substrate of the variant

---

[Translation done.]



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300 S. RIVERSIDE PLAZA, 16<sup>TH</sup> FLOOR  
CHICAGO, IL 60606-6613

**MAILED**

OCT 08 2010

**OFFICE OF PETITIONS**

In re Application of	:	
Jeffrey Paul Carpoﬀ	:	
Application No. 12/390,801	:	DECISION ON PETITION
Filed: February 23, 2009	:	TO WITHDRAW
Attorney Docket No. 051162-000003USPT	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 9, 2010 and resubmitted on August 11, 2010.

The request is **APPROVED**.

The request was signed by Justin D. Swindells on behalf of all of the practitioners of record.

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

All future correspondence will be directed to assignee Pure Power Distribution, LLC 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: Pure Power Distribution, LLC  
2719 Wilshire Boulevard, Suite 200  
Santa Monica, CA 90403



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/390,801	02/23/2009	Jeffrey Paul Carpoff	051162-000003USPT

**CONFIRMATION NO. 5828**

**POWER OF ATTORNEY NOTICE**

70001  
NIXON PEABODY, LLP  
300 S. Riverside Plaza, 16th Floor  
CHICAGO, IL 60606-6613



Date Mailed: 10/08/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 08/11/2010.

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

/idingle/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/390,801	02/23/2009	Jeffrey Paul Carpoff	051162-000003USPT

**CONFIRMATION NO. 5828**

**POA ACCEPTANCE LETTER**

PURE POWER DISTRIBUTION, LLC  
2719 WILSHIRE BOULEVARD, SUITE 200  
SANTA MONICA, CA 90403



Date Mailed: 10/08/2010

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 08/11/2010.

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

/idingle/

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

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 02-24-12

TO SPE OF : ART UNIT 2461

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/390820 Patent No.: 7920518

CofC mailroom date: 02-17-12

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



Angela Green 571.272.9005

CofC Branch 703-756-1814

Note: \_\_\_\_\_  
\_\_\_\_\_

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

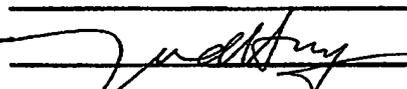
Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_

The paragraph number in the request for  
certificate of correction appears to be incorrect.



SPE

*Hui*

Art Unit

2461



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**NOV 22 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Yao Kun Gui et al. :  
Application No. 12/390,870 :  
Filed: February 23, 2009 :  
Attorney Docket No. 17157-0011 :

**NOTICE**

This is a notice regarding your request filed October 17, 2011, and supplemented on November 17, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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MAR 14 2012

**OFFICE OF PETITIONS**

In re Application of  
Dinakar Ramadurai, et. al.  
Application No. 12/390,889  
Filed: February 23, 2009  
Attorney Docket No. 33176.000018

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 February 8, 2012.

The request is **APPROVED**.

The request was signed by Jefferson Perkins and all the attorneys/agents associated with Customer Number 64770. Therefore, Jefferson Perkins and all the attorneys/agents associated with Customer Number 64770 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed on January 9, 2012, that requires a reply from the applicant.

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

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

/Andrea Smith/  
Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Sivalingam Sivananthan  
590 Territorial Drive, Unit B  
Bolingbrook, IL 60440



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/390,889	02/23/2009	Dinakar RAMADURAI	33176.000018

**CONFIRMATION NO. 5993**

**POWER OF ATTORNEY NOTICE**

64770  
Momkus McCluskey, LLC  
1001 Warrenville Road, Suite 500  
Lisle, IL 60532



Date Mailed: 03/06/2012

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/08/2012.

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

/ansmith/

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



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**WASHINGTON DC 20037**

**MAILED**

**OCT 25 2011**

**OFFICE OF PETITIONS**

In re Patent No. 8,045,171 :  
Issue Date: October 25, 2011 :  
Application No. 12/390,905 :  
Filed: February 23, 2009 :  
Attorney Docket No. Q111872 :

**ON PETITION**

This is a decision on the petition filed October 14, 2011, a request 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**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



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**MAILED**  
**NOV 22 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Zhimign Xu :  
Application No. 12/390,922 :  
Filed: February 23, 2009 :  
Attorney Docket No. 17157-0010-5 :

NOTICE

This is a notice regarding your request filed October 17, 2011, and supplemented on November 17, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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**NOV 17 2011**

**OFFICE OF PETITIONS**

In re Application of  
Bruncko et al.  
Application No. 12/390945  
Filing or 371(c) Date: 02/23/2009  
Attorney Docket Number: 7176USC1

:  
:  
: DECISION ON  
: APPLICATION FOR  
: PATENT TERM ADJUSTMENT

This is a decision on the petition filed on November 7, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred forty-nine (249) days. Applicant requests this correction based upon an assertion that the Office erred in failing to calculate a reduction of one hundred twenty-one (121) days pursuant to 37 CFR 1.704(b).

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 two hundred forty-nine (249) days is GRANTED.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred forty-nine (249) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On August 8, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is three hundred seventy (370) days.

On November 7, 2011, applicant timely submitted the present application for patent term adjustment<sup>1</sup>. Applicant asserts that the Office erred in failing to calculate a reduction of one hundred twenty-one (121) days pursuant to 37 CFR 1.704(b).

Applicant's argument has been carefully considered. A review of Office records confirm that this Office mailed a Notice to File Corrected Application Papers on March 10, 2009. Applicants filed a reply to the Notice on October 9, 2009, three (3) months and one hundred twenty-one (121) days after the mailing of the Notice, and the entry of a period of reduction of one hundred

<sup>1</sup> Office records show that the Issue Fee payment was received in the Office on November 7, 2011.

twenty-one (121) days, beginning on June 11, 2009, and ending on October 9, 2009, is appropriate.

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is two hundred forty-nine (249) days, subject to any terminal disclaimer.

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

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

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

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations



# Patent Term Adjustments



PTA/PTE Information    Patent Term Adjustment    Patent Term Extension

Application Number\*:   [Explanation of PTA Calculation](#)    [Explanation of PTE Calculation](#)

## PTA Calculations for Application: 12390945

Application Filing Date	02/23/2009	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	370
A Delays	370	PTO Manual Adjustment	-121
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	249

\* - Sorted Column

## File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
71	11/16/2011		P028	Adjustment of PTA Calculation by PTO		121	0
61	08/08/2011		MN/=	Mail Notice of Allowance			0
56	08/03/2011		IREV	Issue Revision Completed			0
55	08/03/2011		DVER	Document Verification			0
54	08/03/2011		N/=	Notice of Allowance Data Verification Completed			0
60	07/27/2011		OAR	Office Action Review			0
59	07/27/2011		OAR	Office Action Review			0
58	07/27/2011		OAR	Office Action Review			0
57	07/27/2011		OAR	Office Action Review			0
53	07/27/2011		EX.R	Reasons for Allowance			0
52	07/27/2011		EX.A	Examiner's Amendment Communication			0
51	07/27/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
50	07/27/2011		CNTA	Allowability Notice			0
43	06/28/2011		FWDX	Date Forwarded to Examiner			0
46	06/22/2011		IDSC	Information Disclosure Statement considered			0
45	06/22/2011		RCAP	Reference capture on IDS			0
44	06/22/2011	06/22/2011	M844	Information Disclosure Statement (IDS) Filed			42
42	06/22/2011		ELC	Response to Election / Restriction Filed			0
41	06/22/2011		XT/G	Request for Extension of Time - Granted			0
40	06/22/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
47	05/12/2011		IDSC	Information Disclosure Statement considered			0
39	05/12/2011		RCAP	Reference capture on IDS			0
38	05/12/2011		M844	Information Disclosure Statement (IDS) Filed			0
37	05/12/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
36	04/29/2011		ELC_RVW	Electronic Review			0
35	04/28/2011		EML_NTF	Email Notification			0
34	04/28/2011	04/23/2010	MCTRS	Mail Restriction Requirement	370		0.5
33	04/25/2011		OAR	Office Action Review			0
32	04/14/2011		CTRS	Restriction/Election Requirement			0
29	03/29/2011		DOCK	Case Docketed to Examiner in GAU			0
28	07/30/2010		LET.	Miscellaneous Incoming Letter			0
48	05/24/2010		IDSC	Information Disclosure Statement considered			0
27	05/24/2010		RCAP	Reference capture on IDS			0
26	05/24/2010		M844	Information Disclosure Statement (IDS) Filed			0
25	05/24/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
24	05/20/2010		DOCK	Case Docketed to Examiner in GAU			0
20	01/29/2010		EML_NTR	Email Notification			0
19	01/28/2010		PG-ISSUE	PG-Pub Issue Notification			0
18	12/17/2009		C.ADB	Correspondence Address Change			0
17	10/23/2009		EML_NTR	Email Notification			0
15	10/23/2009		FLRCPT.U	Filing Receipt - Updated			0
16	10/22/2009		OIPE	Application Dispatched from OIPE			0
49	10/16/2009		IDSC	Information Disclosure Statement considered			0
23	10/16/2009		RCAP	Reference capture on IDS			0
22	10/16/2009		M844	Information Disclosure Statement (IDS) Filed			0
21	10/16/2009		A.PE	Preliminary Amendment			0
11	10/16/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
10	10/09/2009		ADDFLFE	Additional Application Filing Fees			0
9	10/09/2009		CORRSPEC	Applicant has submitted a new specification to correct Corrected Papers problems			0
8	03/10/2009		ELC_RVW	Electronic Review			0
7	03/10/2009		EML_NTF	Email Notification			0
6	03/10/2009		EML_NTR	Email Notification			0
5	03/10/2009		CPAP	Corrected Paper			0
4	03/10/2009		FLRCPT.O	Filing Receipt			0
3	02/24/2009		L194	Cleared by OIPE CSR			0

14	02/23/2009	CLAIM	Claim Preliminary Amendment	0
2	02/23/2009	SCAN	IFW Scan & PACR Auto Security Review	0
1	02/23/2009	IEXX	Initial Exam Team rn	0
0.5	02/23/2009	EFILE	Filing date	0

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**CAMPBELL STEPHENSON LLP  
11401 CENTURY OAKS TERRACE  
BLDG. H, SUITE 250  
AUSTIN TX 78758**

**MAILED**

**FEB 28 2011**

**OFFICE OF PETITIONS**

In re Application of :

**BORG**, Christophe S. et al. :

Application No. 12/390,960 :

Filed: February 23 2009 :

Attorney Docket No. **BRG0001US** :

**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 10, 2011.

The request is **APPROVED**.

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

The request was signed by Samuel Campbell, III. on behalf of all attorneys of record who are associated with customer No. 33031. All attorneys/agents associated with the Customer Number 33031 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 Christopher Borg at the address indicated below. There is an outstanding Office action mailed February 02, 2011 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: **CHRISTOPHER S. BORG  
128 SAILFISH  
AUSTIN TX 78734**



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MARWAN FORZLEY  
4 VERONICA PL  
OTTAWA ON K2H8M-4 CA CANADA

**MAILED**

JAN 19 2011

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Paul Joseph Weber :  
Application No. 12/390,962 :  
Filed: February 23, 2009 :  
Attorney Docket No. 38743/13 :

This is a decision on the petition under 37 CFR 1.181 filed July 29, 2010, requesting to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to respond to the Notice to File Corrected Application Papers mailed March 10, 2009. A Notice of Abandonment was mailed November 16, 2009.

Petitioner asserts "Applicant never received the Notice to File Corrected Application Papers due to the customer number being incorrectly entered in the USPTO records. The correct customer number is 32642, as indicated on both the Application Data Sheet as originally filed (attached hereto as Exhibit A) by Applicant and the Power of Attorney from the parent case (Serial No. 10,903,325) that was also filed in connection with the above-identified application (attached hereto as Exhibit B) by Applicant"

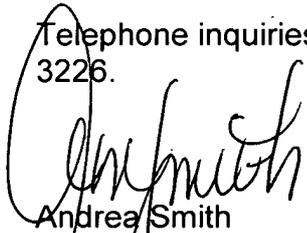
A review of the record shows that a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address was filed on February 23, 2009, and signed by the applicant, Paul Joseph Weber, addressing all correspondence to be mailed to Customer Number 32642. On the same day of February 23, 2009, an executed Oath/Declaration was filed directing all correspondence to be mailed to a handwritten address of the applicant, Paul Joseph Weber. On February 23, 2009, an Application Data Sheet (ADS) was also filed. In the Correspondence Information box of the ADS, Customer Number 34642 was provided and in the Representative Information section of the form, Customer Number 32642 was provided. Since the correspondence address section of the ADS lists Customer Number 34642, that information was placed in the United States Patent and Trademark Office (USPTO) data base. Thus, all correspondence mailed from the USPTO was directed to Customer Number 34642.



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

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

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions



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STOEL RIVES LLP - SLC  
201 SOUTH MAIN STREET, SUITE 1100  
ONE UTAH CENTER  
SALT LAKE CITY, UT 84111

**MAILED**  
**FEB 28 2011**  
**OFFICE OF PETITIONS**  
  
**ON PETITION**

In re Application of :  
Paul Joseph Weber :  
Application No. 12/390,962 :  
Filed: February 23, 2009 :  
Attorney Docket No. 38743/13 :

This is a decision on the petition under 37 CFR 1.137(b) filed February 8, 2011, to revive the above-identified application.

In response to the decision mailed January 19, 2011, petitioner submits the present petition under 37 CFR 1.137(b) along with the \$810 petition fee, statement of unintentional delay and seventeen (17) sheets of replacement drawings containing Figures 1A-8.

Since the present petition complies with the requirements of 37 CFR 1.137(b), the petition is hereby **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 Petitions



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Decision Date : February 16, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Paul Weber

ATTORNEY/AGENT OF RECORD

Application No : 12390962

Filed : 23-Feb-2009

Attorney Docket No : 38743/13

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 16, 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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12390962	
Filing Date	23-Feb-2009	
First Named Inventor	Paul Weber	
Art Unit	3739	
Examiner Name	LEE COHEN	
Attorney Docket Number	38743/13	
Title	FACIAL TISSUE STRENGTHENING AND TIGHTENING DEVICE AND METHODS	
<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	



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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.
12/391,110 02/23/2009 Takehiko Kurashige 6639P614 6413

7590 11/10/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
GAFFIN, JEFFREY A

ART UNIT PAPER NUMBER
2117

MAIL DATE DELIVERY MODE
11/10/2011 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.

Mimi James
Patent Publication Branch
Office of Data Management



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**MICHAEL L. LEETZOW, P.A.**  
**2393 CREST RIDGE CT**  
**SANFORD FL 32771**

**MAILED**

**SEP 08 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Darrell R. Childers et al. :  
Application No. 12/391,134 : **DECISION ON PETITION**  
Filed: February 23, 2009 :  
Attorney Docket No. USCO-027 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 09, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required declaration, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of March 09, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/391,138	02/23/2009	Takehiko Kurashige	6639P613	6472
8791	7590	09/30/2010	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP			LEE, THOMAS C	
1279 OAKMEAD PARKWAY			ART UNIT	PAPER NUMBER
SUNNYVALE, CA 94085-4040			2115	
			MAIL DATE	DELIVERY MODE
			09/30/2010	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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Blakely, Sokoloff, Taylor & Zafman LLP  
1279 Oakmead Parway  
Sunnyvale, CA 94085-4040

In re Application of: KURASHIGE T.  
Application No. 12/391,138  
Filed February 23, 2009  
For: Information Processing Apparatus,  
Storage Drive and Firmware update method..

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 July 27, 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);

*MP* ~~(7) The required petition fee under 37 CFR 1.17(h).~~

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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**LOZA & LOZA LLP**  
**305 North Second Ave., #127**  
**Upland CA 91786**

**MAILED**

**APR 17 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Sabine Brandt et al. :  
Application No. 12/391,172 :  
Filed: February 23, 2009 :  
Attorney Docket No. 6923-165-999 :

**DECISION ON PETITION**

This is a decision on the petitions under 37 CFR 1.181, 1.182 and/or 1.183, filed April 4, 2011 and supplemented on May 27, 2011 on behalf of Mount Sinai School of Medicine of New York University. This is also a decision on the petition to expunge under 37 CFR 1.59(b) or in the alternative 37 CFR 1.181, filed May 3, 2011 on behalf of Avir Green Hills Biotechnology Research Development Trade AG.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petitions under 37 CFR 1.182 and 1.183 are **DISMISSED**.

The petition under 37 CFR 1.59(b) or in the alternative under 37 CFR 1.181 is **DISMISSED**.

In regard to the petitions under 37 CFR 1.181, 1.182 and/or 1.183:

The petition under 37 CFR 1.181 is treated as a request to correct the file record to show that Jones Day (Day) is the counsel for Mount Sinai School of Medicine of New York University (MSSM) and be allowed to participate in the prosecution of the above identified application.

A review of the record shows that there are six (6) co-inventors for the above identified application. Andrej Egorov, Sabine Brandt and Thomas Muster signed the declaration filed October 13, 2009. Peter Palese, Adolfo Garcia-Sastre and Robert O'Neil did not sign the declaration. In a petition decision mailed December 22, 2009, the application was given Rule 1.47(a) status in view of the failure to attain signatures from Palese, Garcia-Sastre and O'Neil.

Signing co-inventors Egorov, Brandt and Muster assigned 100% of their interest to Avir Green Hills Biotechnology Research Development Trade AG (Avir) in an assignment recorded June 11, 2010. Non-signing co-inventors Palese, Garcia-Sastre and O'Neil assigned 100% of their interest to MSSM in an assignment recorded February 3, 2010.

Petitioner Day indicate they represent assignee MSSM. Currently, the firm of Loza & Loza LLP (Loza) is the attorney of record in this application and represent the assignee Avir.

Petitioner Day argues that they represent assignee MSSM and that they have the right to participate in the prosecution of the instant application. Petitioner makes reference to 37 CFR 3.71(b) to indicate that multiple assignees who in total represent the entire right, title and interest in an application may conduct prosecution of that application. 37 CFR 3.71(a) states:

**§ 3.71 Prosecution by assignee.**

(a) Patents — conducting of prosecution. One or more assignees as defined in paragraph (b) of this section may, after becoming of record pursuant to paragraph (c) of this section, conduct prosecution of a national patent application or a reexamination proceeding **to the exclusion of either the inventive entity, or the assignee(s) previously entitled to conduct prosecution.** (Emphasis added)

This rule establishes that one or more assignees will conduct prosecution rather than the inventors or previous assignees. It is not directed towards how multiple assignees may prosecute an application. The facts specific to this application, where there are signing inventors and non-signing inventors, in regard to the attorney of record in an application is discussed specifically in MPEP 402.10 which states in relevant part:

**402.10 [R-5] Appointment/Revocation by Less Than All Applicants or Owners**

Papers giving or revoking a power of attorney in an application generally require signature by all the applicants or owners of the application. Papers revoking a power of attorney in an application (or giving a power of attorney) will not be accepted by the Office when signed by less than all of the applicants or owners of the application unless they are accompanied by a petition under 37 CFR 1.36(a) and fee under 37 CFR 1.17(f) with a showing of sufficient cause (if revocation), or a petition under 37 CFR 1.183 and fee under 37 CFR 1.17(f) (if appointment) demonstrating the extraordinary situation where justice requires waiver of the requirement of 37 CFR 1.32(b)(4) that the applicant, or the assignee of the entire interest of the applicant sign the power of attorney. The petition should be directed to the Office of Petitions. The acceptance of such papers by petition under 37 CFR 1.36(a) or 1.183 will result in more than one attorney, agent, applicant, or owner prosecuting the application at the same time. Therefore, each of these parties must sign all subsequent replies submitted to the Office. See In re Goldstein, 16 USPQ2d 1963 (Dep. Assist. Comm'r Pat. 1988). **In an application filed under 37 CFR 1.47(a), an assignee of the entire interest of the available inventors (i.e., the applicant) who have signed the declaration may appoint or revoke a power of attorney without a petition under 37 CFR 1.36(a) or 1.183.** (emphasis added)

The power of attorney, filed July 16, 2010, to Loza was filed by assignee Avir. Avir is the assignee of the three applicants who have signed the declaration. The application has Rule 1.47(a) status and thus Loza is the appropriately established attorney of record.

Petitioner is also directed to 35 USC 118 which states in part:

**35 U.S.C. 118 Filing by other than inventor.**

Whenever an inventor refuses to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage; and the Director may grant a patent to such inventor upon such notice to him as the Director deems sufficient, and on compliance with such regulations as he prescribes.

35 USC 118 allows an assignee to file **an** application. It does not indicate an assignee may enter into prosecution of an existing application. Petitioner Day may file a new application on behalf of MSSM.

MPEP 409.03(i) states in relevant part:

If a nonsigning inventor feels that he or she is the sole inventor of an invention claimed in a 37 CFR 1.47 application naming him or her as a joint inventor, the nonsigning inventor may file his or her own application and request that his or her application be placed in interference with the 37 CFR 1.47 application. If the claims in both the nonsigning inventor's application and the 37 CFR 1.47 application are otherwise found allowable, an interference may be declared.

Therefore, petitioner's relief is to file a separate patent application.

For the reasons presented, the petition under 37 CFR 1.181 is **dismissed**.

The petition is also filed under 37 CFR 1.182 which provides that in all situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation. As shown above, there are specific rules in place for determining who the assignee represents in situations where some applicants have signed the declaration and other inventors have Rule 47 status. Therefore, the rules of practice and the procedures before the USPTO provide for specific determination of who has power of attorney in the current fact pattern without relying upon extraordinary measures. For this reason, the petition cannot be granted and is **dismissed**.

The petition is filed additionally under 37 CFR 1.183 which provides that in an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Commissioner. The petition does not identify any requirement of the regulations for which waiver is requested and it is thus not clear from the petition what requirements of the rules need to be suspended. Therefore, this petition cannot be granted and is dismissed.

As to the petitions under 37 CFR 1.59(b) and alternatively 1.181:

Petitioner Loza requests expungement of documents filed by MSSM's counsel on April 1, 2011 and April 4, 2011. These papers include a petition under 37 CFR 1.181, 1.182 and 1.183 (which is addressed in this decision, above). Petitioner indicates that MSSM lacks authorization to file such a petition.

MPEP 409.03(i) states in relevant part:

**409.03(i) [R-3] Rights of the Nonsigning Inventor**

The nonsigning inventor (also referred to as an "inventor designee") may protest his or her designation as an inventor. The nonsigning inventor is entitled to inspect any paper in the application, order copies thereof at the price set forth in 37 CFR 1.19, and make his or her position of record in the file wrapper of the application. Alternatively, the nonsigning inventor may arrange to do any of the preceding through a registered patent attorney or agent.

While the U.S. Patent and Trademark Office will grant the nonsigning inventor access to the application, *inter partes* proceedings will not be instituted in 37 CFR 1.47 case. *In re Hough*, 108 USPQ 89 (Comm'r Pat. 1955). A nonsigning inventor is not entitled to a hearing (*Cogar v. Schuyler*, 464 F.2d 747, 173 USPQ 389 (D.C. Cir. 1972)), and is not entitled to prosecute the application if status under 37 CFR 1.47 has been accorded, or if proprietary interest of the 37 CFR 1.47(b) applicant has been shown to the satisfaction of the U.S. Patent and Trademark Office.

The papers that petitioner Loza requests expungement of merely represent the assignee of the non-signing inventors' efforts to make his position on power of attorney of record. For this reason the petition to expunge these papers is **dismissed**. The petition further requests under 37 CFR 1.181 to take appropriate action to ensure the papers not be recognized. As note, the papers submitted by Day have the right to be recognized and this petition is dismissed.

Telephone inquiries regarding this communication should be directed to Carl Friedman at (571) 272-6842.

  
David Bucchi  
Petitions Examiner  
Office of Petitions

Cc: Jones Day  
222 East 41st Street  
New York, New York 10017-6702



WEST & ASSOCIATES, A PC  
1255 Treat Blvd.  
3rd Floor  
WALNUT CREEK CA 94597

**MAILED**

**AUG 17 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
SPOSATO	:	DECISION ON PETITION
Application No. 12/391,177	:	
Filed: 02/23/2009	:	
Attorney Docket No. SPOSA-01002	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 12, 2010, to revive the above-identified application.

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

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application mailed March 9, 2009, which set a two-month extendable period to reply. A Notice of Abandonment was mailed on November 18, 2009.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay.

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

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

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**DONN K. HARMS  
PATENT & TRADEMARK LAW CENTER  
SUITE 100  
12702 VIA CORTINA  
DEL MAR CA 92014**

**MAILED  
JAN 10 2011  
OFFICE OF PETITIONS**

In re Application of :  
Ramin Bagheri :  
Application No. 12/391,182 : **DECISION ON PETITION**  
Filed: February 23, 2009 :  
Attorney Docket No. 4226-PAT :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 27, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 28, 2010. A Notice of Abandonment was mailed on July 22, 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 2832 for appropriate action by the Examiner in the normal course of business on the reply received December 7, 2010.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/391,213	02/23/2009	I-Chang Wang	NAUP1044USA	6597
27765	7590	05/02/2011	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			SANDVIK, BENJAMIN P	
			ART UNIT	PAPER NUMBER
			2826	
			NOTIFICATION DATE	DELIVERY MODE
			05/02/2011	ELECTRONIC

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

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

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

Patent.admin.uspto.Rcv@naipo.com  
mis.ap.uspto@naipo.com



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hp

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD, VA 22116

*In re* Application of I-Chang Wang et al. :  
Appl. No.: 12/391,213 :  
Filed: February 23, 2009 :  
Attorney Docket No.: NAUPI1044USA :  
For: GATE STRUCTURE AND METHOD FOR :  
TRIMMING SPACERS :

DECISION ON PETITION  
UNDER 37 C.F.R. § 1.59

This is a response to the petition under 37 CFR 1.59(b), filed April 13, 2011, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte* Quayle action or a Notice of Abandonment, at which time the petition will be decided.

The decision on the petition is held in abeyance because prosecution on the merits has not completed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



John W. Cabeça, TC Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/391,259	02/23/2009	Val R. Landwehr	1840.L01US2	6701
40064	7590	03/30/2011	EXAMINER	
LEMAIRE PATENT LAW FIRM, P.L.L.C.			TRAN, PHUOC	
P.O. BOX 1818			ART UNIT	PAPER NUMBER
BURNSVILLE, MN 55337			2624	
		MAIL DATE	DELIVERY MODE	
		03/30/2011	PAPER	

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

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



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LEMAIRE PATENT LAW FIRM, P.L.L.C.  
P.O. BOX 1818  
BURNSVILLE MN 55337

MAIL

MAR 30 2011  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of  
Landwehr, Val R. *et al.*  
Serial No.: 12/391,259  
Filed: February 23, 2009  
For: **SYSTEM AND METHOD FOR DETECTING  
AND CLASSIFYING OBJECTS IN IMAGES,  
SUCH AS INSECTS AND OTHER ARTHRO-  
PODS**

:  
:  
:  
:  
DECISION ON PETITION  
: *ACCEPTANCE OF COLOR PHOTOGRAPHS*  
:  
:  
:

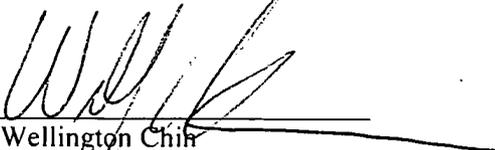
This is a decision on the petition under filed February 23, 2009 requesting to accept colored drawings which is being treated as a petition under 37 C.F.R. § 1.84(b)(2), requesting acceptance of color photographs for drawings.

The petition requests that the color photographs for Figures 21, 22, 25, 26, 27A, 27B, 28A, 28B, 29A, 29B, 30A, 30B, 31, 33, 34, 35C, 36, 37A, 37B, 37C, 37D, 37E, 37F, 38A, 38B, 38C, 40, 41, 42, 43, 44, 45 and 46.

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

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

The petition is **GRANTED**.

  
Wellington Chih  
Special Program Examiner  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**GARRETT IP, LLC**  
**C/O CPA Global**  
**P.O. BOX 52050**  
**MINNEAPOLIS MN 55402**

**MAILED**

**NOV 15 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Stanley KLEIN : ON PETITION  
Application No. 12/391,356 :  
Filed: February 24, 2009 :  
Atty. Docket No.: 0019.0010001 :

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

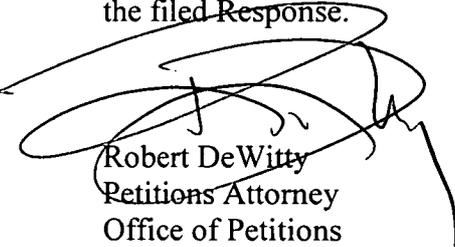
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 31, 2011 (Office action), which set a shortened statutory period for reply of three (3) months. The application became abandoned July 2, 2011. A Notice of Abandonment was mailed October 20, 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 Office action mailed March 31, 2011, (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

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

The application will be referred to Technology Center Art Unit 2121 for consideration of the filed Response.

  
Robert DeWitty  
Petitions Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
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Holme Roberts & Owen LLP-Client-1  
1700 Lincoln Street, Suite 4100  
Denver CO 80203

**MAILED**

**NOV 22 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Hall, et al. :  
Application No. 12/391,358 :  
Filed: February 24, 2009 :  
Attorney Docket No. **85.0313** :

**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) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 4/28/11

TO SPE OF : ART UNIT 2835

SUBJECT : Request for Certificate of Correction for Appl. No.: 12391383 Patent No.: 7915525

CofC mailroom date: 04/12/11

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

**You can fax the Director's/SPE response to 571-270-9990**

*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: Approved.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

/Jinhee Lee/

2835

**SPE**

**Art Unit**

**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):  
12/391,387

Patent Number (if applicable):

First Named Inventor:  
Shin IMAMURA

Title of Invention:  
DISPLAY DEVICE AND PLASMA DISPLAY PANEL

**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):
- The maintenance fee payment was required to have been paid after March 10, 2011.
  - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
  - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
  - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
  - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
  - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
  - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
  - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /Leonid D. Thenor/ 	Date May 20, 2011
Name (Print/Typed) Leonid D. Thenor	Practitioner Registration Number 39,397
<p><b>Note:</b> 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 checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	



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**ANTONELLI, TERRY, STOUT & KRAUS, LLP**  
**1300 NORTH SEVENTEENTH STREET**  
**SUITE 1800**  
**ARLINGTON VA 22209-3873**

**MAILED**

**MAY 24 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Imamura et al. :  
Application No. 12/391,387 : **DECISION ON PETITION**  
Filed: February 24, 2009 :  
Attorney Docket No. 843.49762X00 :

This is a decision on the request filed May 20, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011), ("OG Notice").

The request for relief is **DISMISSED**.

As set forth in the OG Notice, an Office action or notice will be re-mailed and the period for response will be restarted if:

- (1) The patent application or reexamination proceeding is pending in the USPTO as of March 11, 2011, and a reply to an Office action (final, non-final, or other), a notice of allowance, or other Office notice is outstanding as of March 11, 2011;
- (2) One or more inventors, an assignee or a correspondence address is in the area of Japan affected by the earthquake and resultant tsunami of March 11, 2011;
- (3) The period for response has not yet expired; and
- (4) Applicant requests relief. The request must be made by using the form PTO/SB/425 or be accompanied by a copy of the announcement.

The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The use of the form PTO/SB/425 or the inclusion of a copy of the announcement will be treated as a representation that the need for the reissuance of the

Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011.

The instant request is dismissed since it lacks item(s) (1). Applicant is requesting a "reissuance of the Office Action of Nonprovisional Application mailed on March 18, 2011." However, a response to the Office action in question or other Office communication was not outstanding as of March 11, 2011, as required by the OG Notice. Accordingly, the request is dismissed.

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

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

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

By FAX:                   (571) 273-8300

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-47751.

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

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

Goodwin Procter LLP  
Attn: Patent Administrator  
135 Commonwealth Drive  
Menlo Park CA 94025-1105

**MAILED**  
**JAN 31 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Guo et al. :  
Application No. 12/391,495 : DECISION ON PETITION  
Filed: February 24, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. SUR 0002 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 5, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment 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 applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. 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 2176 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.



Shirene Willis Brantley  
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
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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: 12/391,495, 02/24/2009, 2176, 764, SUR 0002, 22, 2

CONFIRMATION NO. 7115

CORRECTED FILING RECEIPT



77845
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

Date Mailed: 01/30/2012

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

Applicant(s)

Xu Guo, Beijing, CHINA;
Donglin Wang, Beijing, CHINA;

Power of Attorney: The patent practitioners associated with Customer Number 77845

Domestic Priority data as claimed by applicant

This application is a CIP of 12/133,309 06/04/2008

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.)

CHINA 200610126538.2 08/25/2006
CHINA PCT/CN2007/070476 08/14/2007

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 12/391,495

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Docbase management system and implementing method thereof

**Preliminary Class**

715

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



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6-7-2011

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

Patent No. : 7,811,741 B2  
Inventor(s) : Peter M. Kazmaier, et. al.  
Issued : October 12, 2010  
Application No: 12/391,499

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

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

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

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

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

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

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

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

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

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

**Eva James**  
For Mary Diggs  
Decisions & Certificates  
of Correction Branch  
(703) 756-1583 or 1580

Timothy M. Hsieh  
MH2 Technology Law Group LLP  
1951 Kidwell Drive, Suite 550  
Tysons Corner, VA 22182

ej



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

SPRINKLE IP LAW GROUP / ZIMMER  
1301 W. 25TH STREET  
SUITE 408  
AUSTIN, TX 78705

**MAILED**

MAR 26 2012

**OFFICE OF PETITIONS**

In re Application of  
Ronald C. Todd  
Application No. 12/391,523  
Filed: February 24, 2009  
Attorney Docket No. ZIMM2330

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2012.

The request is **DISMISSED** as moot.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Paper No.

GORE ENTERPRISE HOLDINGS, INC.  
551 PAPER MILL ROAD  
P. O. BOX 9206  
NEWARK DE 19714-9206

**MAILED**

**AUG 15 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Kelsey et al. :  
Application No. 12/391,595 : DECISION ON PETITION  
Filed: February 24, 2009 : PURSUANT TO  
Attorney Docket No.: FA/320A : 37 C.F.R. § 1.137(B)  
Title: MULTI-SPECTRAL, :  
SELECTIVELY REFLECTIVE :  
CONSTRUCT :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 19, 2011, to revive the above-identified application.

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

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed January 11, 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 March 12, 2011.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

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

With this petition, Petitioner has submitted, *inter alia*, the petition fee, an election of species, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>1</sup>

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the election of species that was received on July 19, 2011 can be processed in due course.

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

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>2</sup> All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> See Rule 1.137(d).

<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/391,601	02/24/2009	Yosuke Iwamatsu	J-09-0093	7322
71799	7590	03/11/2011	EXAMINER	
Mr. Jackson Chen 6535 N. STATE HWY 161 IRVING, TX 75039			FAHERTY, COREY S	
			ART UNIT	PAPER NUMBER
			2183	
			NOTIFICATION DATE	DELIVERY MODE
			03/11/2011	ELECTRONIC

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

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

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

jackson.chen@necam.com  
KENSAKU.SATO@NECAM.COM



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Mr. Jackson Chen  
6535 N. STATE HWY 161  
IRVING TX 75039

In re Application of: Y. IWAMATSU  
Application No. 12/391,601  
Atty. Docket: J-09-0093  
Filed: February 24, 2009  
For: PROCESSOR, MEMORY DEVICE,  
PROCESSING DEVICE, AND METHOD FOR  
PROCESSING INSTRUCTION

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 17, 2010 to make the above-identified application special.

The petition is **DENIED**.

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

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

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

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

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

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

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

(5) Applicant must submit:

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

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal")

from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

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

The request to participate in the PPH program and petition are found to not comply with the above requirements, since a first action on the merits was mailed on march 11, 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/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



**UNITED STATES DEPARTMENT OF COMMERCE**  
**U.S. Patent and Trademark Office**  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

<b>APPLICATION NO./ CONTROL NO.</b>	<b>FILING DATE</b>	<b>FIRST NAMED INVENTOR / PATENT IN REEXAMINATION</b>	<b>ATTORNEY DOCKET NO.</b>
12391717	24 February, 2009	GARCIA-MARTINEZ ET AL.	67858.702201

HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 2200 Pennsylvania Avenue, N.W. WASHINGTON, DC 20037		<b>EXAMINER</b>	
		<b>ART UNIT</b>	<b>PAPER</b>
			20111031-1

DATE MAILED:

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

**Commissioner for Patents**




UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 31 2011

In re Application of :  
Leon Garcia-Martinez, et al :  
Serial No. 12/391717 : NOTICE OF WITHDRAWAL  
Filed: February 24, 2009 : FROM ISSUE  
For: USE OF ANTI-IL-6 ANTIBODIES HAVING : UNDER 37 CFR 1.313(b)  
SPECIFIC BINDING PROPERTIES TO :  
TREAT CACHEXIA :

The above-identified application is withdrawn from issue after payment of the issue fee due to a mistake on the part of the Office. See 37 CFR 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to the SPE, Jeffrey Stucker (571) 272-0911.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

George C. Elliott, Director  
Technology Center 1600

HUNTON & WILLIAMS LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1900 K STREET, N.W.  
WASHINGTON, DC 20006-1109

cc: Publications, Scanning



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Date : October 31, 2011  
To : Director, Office of Publication and Dissemination  
From : Director, Technology Center 1600  
Subject : Withdrawal from Issue of

Applicant : Leon Garcia-Martinez, et al  
Application Number : 12/391717  
Filed : February 24, 2009

The above-identified application has been assigned Patent No. 8,052,973 and an issue date of November 8, 2011.

It is hereby directed that this application be withdrawn from issue at the request of the Director, Technology Center 1600.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of November 8, 2011:

“All reference to Patent No. 8,052,973 LEON GARCIA-MARTINEZ, ET AL. of WOODINVILLE, WASHINGTON for “USE OF ANTI-IL-6 ANTIBODIES HAVING SPECIFIC BINDING PROPERTIES TO TREAT CACHEXIA” appearing in the Official Gazette of November 8, 2011 should be deleted since no patent was granted.”

This application will be forwarded to Technology Center 1600.

A handwritten signature in cursive script, reading "George C. Elliott".

---

George C. Elliott, Director  
Technology Center 1600



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. Includes details for application 12/391,733, inventor Masamichi Kobayashi, and attorney Sughrue Mion, PLLC.

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 Nimi Tarnes

Patent Publication Branch
Office of Data Management

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: 2832-0570PUS1	Application Number (if known): 12/391,739	Filing date: February 24, 2009
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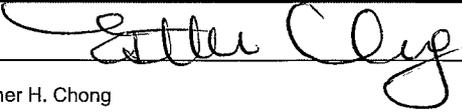
First Named Inventor: Ju-Hwan YUN

Title: SOLAR CELL AND METHOD FOR MANUFACTURING THE SAME

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

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

- By filing this petition:  
  
**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: Preliminary Amendment

Signature 	Date <b>AUG - 2 2010</b>
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.

4

Docket No.: 2832-0570PUS1  
(Patent)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Patent Application of:

Ju-Hwan YUN et al.

Application No.: 12/391,739

Confirmation No.: 7552

Filed: February 24, 2009

Art Unit: 1795

For: SOLAR CELL AND METHOD FOR  
MANUFACTURING THE SAME

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Examiner: B. A. 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.

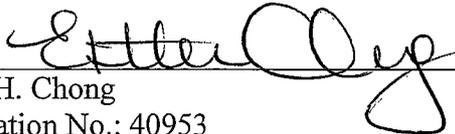
Accordingly, it is respectfully requested that the Petition be granted.

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



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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.
12/391,739	02/24/2009	Ju-Hwan YUN	2832-0570PUS1	7552
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	:	
Ju-Hwan Yun et al.	:	DECISION ON PETITION
Application No. 12/391,739	:	TO MAKE SPECIAL UNDER
Filed: February 24, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2832-0570PUS1	:	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

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.
12/391,752	02/24/2009	ATSUKO GOTO	J-09-0094	7574

71799                      7590                      01/26/2011  
Mr. Jackson Chen  
6535 N. STATE HWY 161  
IRVING, TX 75039

EXAMINER

GARBOWSKI, LEIGH M

ART UNIT	PAPER NUMBER
2825	

NOTIFICATION DATE	DELIVERY MODE
01/26/2011	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):

jackson.chen@necam.com  
KENSAKU.SATO@NECAM.COM



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

Mr. Jackson Chen  
6535 N. STATE HWY 161  
IRVING TX 75039

**In re Application of**

**Atsuko GOTO**

**Application No.: 12/391,752**

**Filed: 24 February 2009**

**Attorney Docket No.: J-09-0094**

**For: PROPERTY GENERATING  
APPARATUS, PROPERTY  
GENERATING METHOD AND  
PROGRAM**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 17 December 2010 and renewed on 15 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

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

Attorney Docket No.: 5438-0140PUS1

Application No:	12/391,845	Filing date:	February 24, 2009
First Named Inventor:	Sung-Jun PARK		

Title of the Invention: METHOD OF PERFORMING RANDOM ACCESS PROCEDURE IN WIRELESS COMMUNICATION SYSTEM

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

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

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

The corresponding PCT application number(s) is/are: PCT/KR2009/000827.

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.





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HOUSTON ELISEEVA  
420 BEDFORD ST  
SUITE 155  
LEXINGTON MA 02420

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Voldemar O. Reboni, et al. :  
Application No. 12/391,850 : ON PETITION  
Filed: February 24, 2009 :  
Attorney Docket No. 0207.0003US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2010, 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 7, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 8, 2010.

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

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

This application is being referred to Technology Center AU 2882 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



April M. Wise  
Petitions Examiner  
Office of Petitions



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Paper No.

Innovation Counsel LLP  
21771 Stevens Creek Blvd  
Ste. 200A  
Cupertino CA 95014

**MAILED**

NOV 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No. 12/391,976	:	
In re Patent No. 7,985,982	:	DECISION ON PETITION
Filing Date: February 24, 2009	:	PURSUANT TO 37 C.F.R.
Issue Date: July 26, 2011	:	§ 3.81(B)
Attorney Docket Number:	:	
21ST03128 US	:	
Title: ETCHANT COMPOSITION,	:	
PATTERNING CONDUCTIVE LAYER AND	:	
MANUFACTURING FLAT PANEL,	:	
DISPLAY DEVICE USING THE SAME	:	

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b), filed August 9, 2011, to correct the Assignees' information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **GRANTED** to the extent that a Certificate of Correction will be issued, correcting the Assignee information to "Samsung Electronics Co., LTD., Gyeonggi-Do, Republic of Korea and Techno Semichem Co., LTD., Gyeonggi-Do, Republic of Korea."

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the name of the Assignee should be changed from "Samsung Electronics Co., LTD. (KR) to "Samsung Electronics Co., LTD., Gyeonggi-Do, Republic of Korea and Techno Semichem Co., LTD., Gyeonggi-Do, Republic of Korea."

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

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

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent, and Office records confirm that an assignment was received in the Office on February 24, 2009, listing Samsung Electronics Co., LTD. of Gyeonggi-Do, Republic of Korea and Techno Semichem Co., LTD. of Gyeonggi-Do, Republic of Korea as the Assignees.

Payment of the required \$100 certificate of correction fee and the \$130 processing fee is acknowledged.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, correcting the Assignee information to "Samsung Electronics Co., LTD., Gyeonggi-Do, Republic of Korea and Techno Semichem Co., LTD., Gyeonggi-Do, Republic of Korea."

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.



---

Paul Shanowski  
Senior Attorney  
Office of Petitions



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Alexandria, VA 22313-1450  
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SPECKMAN LAW GROUP PLLC  
2014-B East Union  
SEATTLE WA 98122

**MAILED**

**OCT 26 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Peter S. Harris et al. :  
Application No. 12/392,026 :  
Filed: February 24, 2009 :  
Attorney Docket No. **21200.1004NP** :

**DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 17, 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) 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 inventor. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3773 for action on the merits commensurate with this decision.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**FLOYD E. IVEY**  
IVEY Law Offices, P.S. Corp.  
7233 W. Deschutes Ave., Suite C  
BOX #3  
KENNEWICK WA 99336

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Patrick Kermit McDaniel et al. :  
Application No. 12/392,027 : **DECISION ON**  
Filed: February 24, 2009 : **PETITION TO WITHDRAW**  
Attorney Docket No. P-1851-091 : **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 **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 Floyd Ivey on behalf of all attorneys/agents associated with customer 23605. All attorneys/agents associated with customer number 23605 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Patrick McDaniel  
101 Erin Road  
Pasco, WA 99301



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/392,027	02/24/2009	PATRICK KERMIT MCDANIEL	P-1851-091

**CONFIRMATION NO. 8091**

**POWER OF ATTORNEY NOTICE**



OC00000043707213

23605  
FLOYD E. IVEY  
IVEY Law Offices, P.S. Corp.  
7233 W. Deschutes Ave., Suite C  
BOX #3  
KENNEWICK, WA 99336

Date Mailed: 09/24/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/17/2010.

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

/kainabinet/

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



PRO-TECHTOR INTERNATIONAL SERVICES  
20775 NORADA CT.  
SARATOGA CA 95070

**MAILED**

NOV 23 2011

**OFFICE OF PETITIONS**

In re Application of  
Huading Zhang et al.  
Application No. 12/392,107  
Filed: February 25, 2009  
Attorney Docket No: 50209101

:  
: **DECISION ON PETITION**  
:  
:  
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This is a decision on the petition under 37 CFR 1.137(a), filed November 14, 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned October 12, 2011 for failure to timely reply to the Notice to File Corrected Application Papers mailed September 9, 2011 and which set a one month period for response. No response having been filed, a Notice of Abandonment was mailed October 25, 2011. While the file record discloses that the Notice to File Corrected Application Papers was sent to what was believed to be the address of record, and the same address to which the Notice of Abandonment was mailed, petitioner asserts unavoidable delay in responding to the Notice to File Corrected Application Papers because of non-receipt.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

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

- issue fee or any outstanding balance thereof;
- (2) the petition fee as set forth in § 1.17(l);
  - (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
  - (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks item (3) above.

### SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>1</sup>

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is “unavoidably” abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.<sup>2</sup>

Petitioner argues that Pro-Techt International Services has a very complete docketing

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<sup>1</sup>In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

<sup>2</sup>Ex parte Pratt, 1887 Dec. Comm’r Pat. 31 (Comm’r Pat. 1887).

system where all correspondence with the USPTO is tracked. A sample docket page from this is included with this Petition to illustrate this system. The evidence provided to show non-receipt has not proven non-receipt and neither has petitioner presented sufficient evidence to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). The Notice was mailed September 9, 2011 but the periods covered in the one page sample from the docketing system are start dates that begin May 2, 2011 and end July 1, 2011 with due dates that begin August 2, 2011 through October 1, 2011. A true docket record should be inclusive of all actions for the instant application or at least for purposes of showing non-receipt should cover the periods in question, those being around the mail date of the Notice on September 9, 2011. It can't be determined from the docket record submitted whether or not the Notice mailed September 9, 2011 was received. To show non-receipt and unavoidable delay, more convincing evidence would not begin at May 2, 2011 through July 1, 2011.

In view thereof, petitioner has not carried the burden of proof to establish to the satisfaction of the Director that the delay was unavoidable. As the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), the petition will be dismissed.

## ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b)<sup>3</sup>, which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned

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<sup>3</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

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

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

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

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).

It should be noted that if petitioner chooses to file a petition under the unintentional standard the fees due would be those pursuant to 37 CFR 1.17(m) as the fees submitted with the instant petition cannot be applied as petitioner has already received consideration under the unavoidable standard.

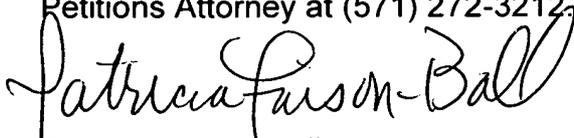
Effective September 26, 2011, the fee for a petition under 37 CFR 1.137(a) was set at \$310 not \$270. In view thereof, petitioner's deposit account no. 16-2497 has been debited in the amount of \$310 for the for the petition fee.

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

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

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

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



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



PRO-TECHTOR INTERNATIONAL SERVICES  
20775 NORADA CT.  
SARATOGA CA 95070

**MAILED**  
**JAN 11 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Huading Zhang et al.  
Application No. 12/392,107  
Filed: February 25, 2009  
Attorney Docket No: 50209101

:  
: **DECISION ON PETITION**  
:  
:  
:

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup>, filed December 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned October 12, 2011 for failure to timely reply to the Notice to File Corrected Application Papers mailed September 9, 2011 and which set a one month period for response. No response having been filed, a Notice of Abandonment was mailed October 25, 2011. In a petition filed November 14, 2011, petitioner asserted unavoidable delay in filing timely responses because of non-receipt. Specifically, while the file record discloses that the Notice was mailed to what was believed to be the address of record, and the same address to which the Notice of Abandonment was mailed, petitioner asserted unavoidable delay in responding to the Notice to File Corrected Application Papers because of non-receipt.

The petition was dismissed in a decision mailed November 23, 2011 because the showing presented was insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

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

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

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

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

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

Comes now petitioner with the instant petition and the proper response to the Notice to File Corrected Application Papers. All other requirements having been met, this matter is being referred to the Publishing Division.

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

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

**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): <b>12/392,117</b>	Patent Number (if applicable):
First Named Inventor: <b>K. MORI</b>	Title of Invention: <b>Separation Column and Liquid Chromatograph</b>

**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    /Ayal I. Sharon/	Date        May 18, 2011
Name (Print/Typed)    Ayal I. Sharon	Practitioner Registration Number    55,986
<p><b>Note:</b> 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 19 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Mori et al. :  
Application No. 12/392,117 : **DECISION ON PETITION**  
Filed: February 25, 2009 :  
Attorney Docket No. 520.49756X00 :

This is a decision on the request filed May 18, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on December 28, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

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

This application is being referred to the Technology Center, Art Unit 1778 for re-mailing the Office action of December 28, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/392,210	02/25/2009	Jouji INABA	4724-0061	8475
35301	7590	07/12/2011	EXAMINER	
MCCORMICK, PAULDING & HUBER LLP CITY PLACE II 185 ASYLUM STREET HARTFORD, CT 06103			SCHNEIDER, CRAIG M	
			ART UNIT	PAPER NUMBER
			3753	
			NOTIFICATION DATE	DELIVERY MODE
			07/12/2011	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):

patentdocket@ip-lawyers.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

MCCORMICK, PAULDING & HUBER LLP  
CITY PLACE II  
185 ASYLUM STREET  
HARTFORD CT 06103

*In re* Application of:  
INABA, JOUJI  
Serial No.: 12/392210  
Filed: February 25, 2009  
Attorney Docket No. : 4724-0061  
Title: MANIFOLD SOLENOID VALVE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 28, 2011 to make the above-identified application special.

The request and petition are **granted**.

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

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

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

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

---

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



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

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

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

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

Maschoff Gilmore & Israelsen  
1441 West Ute Boulevard, Suite 100  
Park City, UT 84098 United States

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**AKIN GUMP STRAUSS HAUER & FELD LLP  
1111 LOUISIANA STREET  
44TH FLOOR  
HOUSTON TX 77002**

**MAILED  
APR 29 2011  
OFFICE OF PETITIONS**

In re Application of :  
Williams et al. :  
Application No. 12/392,253 : **ON PETITION**  
Filed: February 25, 2009 :  
Attorney Docket No. 052745.0010US2 :

This letter is in response to the Request, filed April 8, 2011, that (1) urges that the previously filed petition under 37 CFR 1.137(b) of March 24, 2011 is no longer applicable and that the petition and supporting documents be withdrawn, and (2) requests that no action be taken in response to the March 24, 2011.

The April 8, 2011 Request is **GRANTED**.

Petitioner contends that the petition filed March 24, 2011 and its supporting documents contain errors and that "Applicants have filed contemporaneously a new Petition and replacement supporting documents to correct errors discovered after the filing of the original Petition". Therefore, the petition filed March 24, 2011 is improper. Accordingly, the United States Patent and Trademark Office will disregard the March 24, 2011 petition under 37 CFR 1.137(b) and take no further action in response thereto.

The petition fee of \$1,620.00 submitted on March 24, 2011, will be refunded in due course.

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

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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**AKIN GUMP STRAUSS HAUER & FELD LLP**  
**1111 LOUISIANA STREET**  
**44TH FLOOR**  
**HOUSTON TX 77002**

**MAILED**  
**MAY 06 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Williams et al. :  
Application No. 12/392,253 : **DECISION ON PETITION**  
Filed: February 25, 2009 :  
Attorney Docket No. 052745.0010US2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, August 4, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 5, 2010. A Notice of Abandonment was mailed February 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00 and the submission required by 37 CFR 1.114 (petitioner has responded by submitted a Terminal Disclaimer on April 8, 2011); (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Further, the instant petition includes a Statement by Elizabeth Schiffer asserting that LeTourneau Technologies Drilling Systems, Inc. is not the assignee of 100% interest in the above-identified application. Ms. Schiffer further asserts that "The extent by percentage of its ownership interest is 80%, because one inventor, Kevin R. Williams, has not yet assigned his rights in the application to LeTourneau."

#### **I. THE ASSIGNEE/OWNER THAT CAN TAKE ACTION IN PATENT MATTERS**

The provisions of 37 CFR 3.71(b)(1) and (2) identify the owner or assignee that can take action in patent matters, e.g., the assignee which may conduct the prosecution of a U.S. national application for a patent (35 U.S.C. 111(a)), or any other patent proceeding (e.g.,

a reexamination proceeding, an interference proceeding). A national patent application is owned by one of the following individual or composite entities:

- (A) the inventor(s);
- (B) an assignee or multiple assignees of the inventor(s); or
- (C) some combination of the assignee(s), and inventor(s) who have not assigned away their right, title and interest in the application.

Pursuant to 37 CFR 3.73(b), a party must be established as the assignee by satisfying the requirements of that subsection, in order to be recognized as an owner or part owner, for purposes of taking action in patent matters before the Office.

As discussed in subsection II, all parties having any portion of the ownership must join in "taking action" (i.e., act together as a composite entity) in order to be entitled to conduct the prosecution in patent matters. Further, where at least one inventor retains an ownership interest together with the partial assignee(s), the combination of all partial assignees and inventors retaining ownership interest is needed to conduct the prosecution of an application.

#### **VIII. MULTIPLE ASSIGNEES**

When an assignee seeks to take action in a matter before the Office with respect to a patent application, patent, or reexamination proceeding and the right, title, and interest therein is held by more than one assignee, each partial assignee must provide a submission under 37 CFR 3.73(b). In each submission, the extent of each assignee's interest must be set forth so that the Office can determine whether it has obtained action by the entirety of the right, title and interest holders (owners). 37 CFR 3.73(c)(2). If the extent of the partial assignee's ownership interest is not set forth in the submission under 37 CFR 3.73(b), the Office may refuse to accept the submission as an establishment of ownership interest.

In view of the above, a review of the file record indicates that Akin Gump Strauss Hauer & Feld LLP does not have power of attorney in this patent application. A review of USPTO records reveals that the "Power of Attorney" submissions filed March 24, 2011 were erroneously accepted. The requests by the assignees, did not comply with 37 CFR 3.73(b).

37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission

establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

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.

Since no proper Statement under 37 CFR § 3.73(b) was submitted with the "Power of Attorney" submissions filed March 24, 2011 the request was improper. Therefore, the power of attorney submitted March 24, 2011 was erroneously accepted by the USPTO. Accordingly, there is no current Power of Attorney in the above-identified application. Further, petitioner is currently designated only as the Correspondence Address according to the Application Data Sheet filed March 4, 2009.

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

This matter is being referred to Technology Center AU 3672 for processing of the Request for Continued Examination under 37 CFR 1.114 and review of the Terminal Disclaimer filed with the instant petition.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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Decision Date : January 25, 2012

In re Application of :

Kimberly Weisser

Application No : 12392254

Filed : 25-Feb-2009

Attorney Docket No : 222645

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 25, 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	12392254
Filing Date	25-Feb-2009
First Named Inventor	Kimberly Weisser
Art Unit	2612
Examiner Name	JOHN TWEEL JR
Attorney Docket Number	222645
Title	VEHICLE ARRIVAL ALERTING METHOD AND SYSTEM THEREOF

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

**Petition fee**

The petition fee under 37CFR 1.17(m) is attached.

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

**Issue Fee and Publication Fee :**

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

**Drawing corrections and/ or other deficiencies.**

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- A joint inventor; all of whom are signing this e-petition.
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/jerry haynes/
Name	Jerry Haynes
Registration Number	42646



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K&L GATES LLP  
1900 MAIN STREET, SUITE 600  
IRVINE CA 92614-7319

**MAILED**  
**JUN 10 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Daniel Thayer :  
Application Number: 12/392,263 : DECISION ON PETITIONS  
Filing or 371(c) Date: 02/25/2009 : UNDER 37 CFR 1.78(a)(3) and (a)(6)  
Attorney Docket Number: 1958469.00005 :

This is a decision on the "PETITION UNDER 37 CFR §1.78(e)," filed on September 29, 2009, 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. § 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).

Furthermore, the amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Receipt of the \$1,410.00 petition fee is acknowledged. No further fee is due with any renewed petition.

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

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



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K&L Gates LLP  
1900 MAIN STREET, SUITE 600  
IRVINE CA 92614-7319

**MAILED**  
**NOV 10 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Daniel Thayer :  
Application Number: 12/392,263 : DECISION ON PETITIONS  
Filing Date: 02/25/2009 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)  
Attorney Docket Number: :  
1958469.00005 :

This is a decision on the renewed petition, filed on October 31, 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 the prior-filed applications set forth in the concurrently filed amendment and application data sheet (ADS).

The petition is **GRANTED**.

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

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

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the international 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 37 CFR 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 3767 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



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE RECD, ATTY DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/392,263, 02/25/2009, 3767, 592, 1958469.00005, 25, 3

CONFIRMATION NO. 8560

CORRECTED FILING RECEIPT

45200
K&L Gates LLP
1900 MAIN STREET, SUITE 600
IRVINE, CA 92614-7319



Date Mailed: 11/10/2011

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

Applicant(s)

Daniel Thayer, Mission Viejo, CA;

Power of Attorney: The patent practitioners associated with Customer Number 45200

Domestic Priority data as claimed by applicant

This application is a DIV of 11/409,617 04/24/2006 PAT 7,947,020 which claims benefit of 60/679,113 05/09/2005

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.)

If Required, Foreign Filing License Granted: 03/10/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/392,263

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

RETRACTABLE SAFETY SYRINGE

**Preliminary Class**

604

**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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**WOOD, HERRON & EVANS, LLP**  
**2700 CAREW TOWER**  
**441 VINE STREET**  
**CINCINNATI OH 45202**

**MAILED**

**AUG 10 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Merritte DeBuhr	:	
Application No. 12/392,275	:	<b>DECISION ON PETITION</b>
Filed: February 25, 2009	:	<b>UNDER 37 CFR 1.137(b)</b>
Attorney Docket No. CAINT-05	:	

This is a decision on the petition, filed July 27, 2011, 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 February 25, 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. § 22(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of November 17, 2011 accompanies this decision on petition.

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

This application is being forwarded to Technology Center 3632 for further processing.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 4 columns: APPLICATION NUMBER (12/392,275), FILING OR 371(C) DATE (02/25/2009), FIRST NAMED APPLICANT (Merritte DeBuhr), ATTY. DOCKET NO./TITLE (CAINT-05)

CONFIRMATION NO. 8576

NONPUBLICATION RESCISSION LETTER



Date Mailed: 08/08/2011

26875
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 11/17/2011.

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.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kainabinet/

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/392,285	02/25/2009	Kazuya NARA	09114/LH	8597
1933	7590	12/22/2010	EXAMINER	
HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			AHMED, SAMIR ANWAR	
			ART UNIT	PAPER NUMBER
			2624	
			MAIL DATE	DELIVERY MODE
			12/22/2010	PAPER

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

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



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HOLTZ, HOLTZ, GOODMAN & CHICK PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK NY 10001-7708

In re Application of :  
NARA, KAZUYA :  
Application No. 12/392,285 :  
Filed: February 25, 2009 :  
Attorney Docket No. 09114/LH :  
: DECISION ON REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 17, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

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

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

/Doris To/

---

Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/392,322	02/25/2009	Kazuhisa MATSUNAGA	09097/LH	8667

1933 7590 05/31/2011  
HOLTZ, HOLTZ, GOODMAN & CHICK PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708

EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
2622	

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.



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**MAIL**

**MAY 31 2011**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

HOLTZ, HOLTZ, GOODMAN & CHICK PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK NY 10001-7708

In re Application of	:	
MATSUNAGA, KAZUHISA et al.	:	DECISION ON REQUEST TO
Application No. 12/392,322	:	PARTICIPATE IN PATENT
Filed: February 25, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 09097/LH	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 25, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

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Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Bryan P. Reed )  
Confirmation No.: 8718 )  
Serial No.: 12/392,353 )  
Filing Date: 02-25-2009 )  
Atty Docket No.: 235666 )

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

**Request for Renewed Petition**  
**Under the Green Technology Pilot Program**

SIR:

Applicant respectfully requests renewed reconsideration of Applicant's Petition to Make Special as provided in 75 Federal Register Notice 28554 of May 21, 2010 and 75 Federal Register Notice 69049 of November 10, 2010.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 9, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

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 1996, 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: 235666	Application Number (if known): 12/392,353	Filing date: 02-25-2009
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First Named Inventor: Bryan P. Reed

Title: LOWERING AND RAISING A SINGLE WIND TURBINE ROTOR BLADE FROM SIX-O'CLOCK POSITION

**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: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/	Date December 9, 2010
------------------------------	-----------------------

Name Douglas D. Zhang (Print/Typed)	Registration Number 37,985
-------------------------------------	----------------------------

**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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/392,353	02/25/2009	Bryan P. Reed	235666	8718
7788	7590	01/04/2011	EXAMINER	
GE ENERGY GENERAL ELECTRIC C/O ERNEST G. CUSICK ONE RIVER ROAD, BLD. 43, ROOM 225 SCHENECTADY, NY 12345			BESLER, CHRISTOPHER JAMES	
			ART UNIT	PAPER NUMBER
			3726	
			MAIL DATE	DELIVERY MODE
			01/04/2011	PAPER

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

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



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GE ENERGY GENERAL ELECTRIC  
C/O ERNEST G. CUSICK  
ONE RIVER ROAD, BLD. 43, ROOM 225  
SCHENECTADY NY 12345

In re Application of	:	
REED, BRYAN P. et al	:	DECISION ON PETITION
Application No. 12/392,353	:	TO MAKE SPECIAL UNDER
Filed: Feb. 25, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 235666	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Dec. 13, 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**.

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

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

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

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

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

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

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

This application will be forwarded to the Technology Center Art Unit 3726 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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VALENTINE A COTTRILL  
SUSAN TANDAN  
50 QUEEN STREET NORTH, STE. 1020  
P.O. BOX 2248  
KITCHENER ON N2H6M-2 CA CANADA

**MAILED**  
JAN 07 2011  
OFFICE OF PETITIONS

In re Application of :  
Melic, Jonathan Jonny : DECISION ON PETITION  
Application No. 12/392,534 : TO WITHDRAW  
Filed: February 25, 2009 : FROM RECORD  
Attorney Docket No. H311145PCTUS1 :

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 **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 Valentine A. Cottrill on behalf of all attorneys/agents of record who are associated with Customer Number 34236. All attorneys/agents associated with Customer Number 34236 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, Jonathan Jonny Melic, at the address indicated below.

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

Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: JONATHAN JONNY MELIC  
3310 MAINWAY DRIVE  
BURLINGTON ON L7M 1A7 CA CANADA



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United States Patent and Trademark Office  
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**MAILED**

NOV 16 2011

OFFICE OF PETITIONS

**HONIGMAN MILLER SCHWARTZ & COHN LLP**  
**350 East Michigan Avenue**  
**Suite 300**  
**Kalamazoo MI 49007-3800**

In re Application of :  
Jonathan Jonny MELIC : ON PETITION  
Application No. 12/392,534 :  
Filed: February 25, 2009 :  
Atty. Docket No.: 222748-314616 :

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

The petition is **GRANTED**.

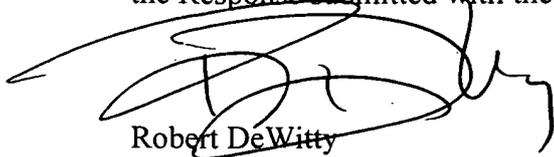
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 5, 2010 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned November 6, 2010. A Notice of Abandonment was mailed February 23, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Office action mailed August 5, 2010, (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

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

The application will be referred to Technology Center Art Unit 3632 for consideration of the Response submitted with the instant petition.

A handwritten signature in black ink, appearing to read 'Robert DeWitty', is written over the printed name.

Robert DeWitty  
Petitions Attorney  
Office of Petitions



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CORNING INCORPORATED  
SP-TI-3-1  
CORNING NY 14831

**MAILED**  
**FEB 13 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Matthew John Dejneka et al :  
Application No. 12/392,577 : DECISION GRANTING PETITION  
Filed: February 25, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. SP08-040 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 13, 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 9, 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 1731 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

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<sup>1</sup> 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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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 13,2011

In re Application of :

Kirvin Hodge

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12392675

Filed : 25-Feb-2009

Attorney Docket No : 18034-PCTUSC1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 13,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid 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 1614 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12392675
Filing Date	25-Feb-2009
First Named Inventor	Kirvin Hodge
Art Unit	1614
Examiner Name	KEVIN WEDDINGTON
Attorney Docket Number	18034-PCTUSC1
Title	COMPOUNDS FOR THE TREATMENT OF METABOLIC DISORDERS

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	/Lewis J. Kreisler/
Name	Lewis J. Kreisler
Registration Number	38522



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LAW OFFICES OF EUGENE M. CUMMINGS, P.C.  
ONE NORTH WACKER DRIVE  
SUITE 4130  
CHICAGO, IL 60606

**MAILED**

**JAN 17 2012**

**OFFICE OF PETITIONS  
ON PETITION**

In re Application of :  
Steven Tai, et al. :  
Application No.: 12/392,693 :  
Filed: February 25, 2009 :  
Attorney Docket No.: 0372-0128.01 :

This is a decision on the petition, filed January 13, 2012, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Steve D. Lundquist appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on December 19, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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 3617 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

<sup>1</sup> 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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In re Application of  
Edward C. KELLY

:  
:

Application No. 12392785

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: February 25, 2009

:

Attorney Docket No. 688020-1U2

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 27-JAN-2012 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)  
Approved for use through 07/31/2012. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12392785	Confirmation Number	9480	Filing Date	2009-02-25
Attorney Docket Number (optional)	688020-1U2	Art Unit	1794	Examiner	Not Yet Assigned
First Named Inventor	Edward C. KELLY				
Title of Invention	FOODSTUFF DISPENSING MACHINE AND DEHYDRATED FOODSTUFF CONTAINER				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Edward	C.	KELLY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<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.					
Signature	/Martin G. Belisario/		Date (YYYY-MM-DD)	2012-01-26	
Name	Martin G. Belisario		Registration Number	32886	

## 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  
Edward C. KELLY

:  
:

Application No. 12392785

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: February 25, 2009

:

Attorney Docket No. 688020-1U2

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 27-JAN-2012 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)  
Approved for use through 07/31/2012. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12392785	Confirmation Number	9480	Filing Date	2009-02-25
Attorney Docket Number (optional)	688020-1U2	Art Unit	1794	Examiner	Not Yet Assigned
First Named Inventor	Edward C. KELLY				
Title of Invention	FOODSTUFF DISPENSING MACHINE AND DEHYDRATED FOODSTUFF CONTAINER				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Edward	C.	KELLY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<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.					
Signature	/Martin G. Belisario/		Date (YYYY-MM-DD)	2012-01-26	
Name	Martin G. Belisario		Registration Number	32886	

## 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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February 16, 2012

James D. Matheson  
Battelle Memorial Institute  
P.O. Box 999, k1-53  
Richland, WA 99352

Patent No: 8,061,207 B2  
Application No: 12/392,845  
Applicant: Paul D. Panetta, et al.  
Issued: November 22, 2011  
Title: **SYSTEM AND PROCESS FOR ULTRASONIC CHARACTERIZATION OF DEFORMED  
STRUCTURES**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322 or 1.323.

Inspection of the file of the application for the patent reveals that column 6, line 12, in the patent is printed in accordance with the record in the Patent and Trademark Office, as passed to issue by the examiner. There being no fault on the part of the Patent and Trademark Office, it has no authority to issue a certificate of correction under the provision of 1.322.

In view of the foregoing your request in this matter is hereby **denied**.

However, further consideration will be given to this matter, upon receipt of a request for certificate of correction under the provision of 1.323, accompanied by the appropriate fee which is presently \$100.

/Virginia Tolbert/  
Virginia Tolbert  
For Mary Diggs, Supervisor  
Decisions and Certificate of Correction  
(571) 272-0460 (voice)  
(571) 270-9892 (fax)



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WILSON DANIEL SWAYZE, JR.  
3804 CLEARWATER CT.  
PLANO TX 75025

**MAILED**  
**MAY 27 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Ashby :  
Application No. 12/392,871 : **DECISION**  
Filed: 20 June, 2008 :  
Attorney Docket No. P0958.70005US01 :

This is a decision on the petition filed on 16 February, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b) .

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled “Renewed Petition pursuant to 37 C.F.R. §1.137(b).”

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Allegations  
of Unintentional Delay

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

**Petitioner does not appear to have satisfied the requirements under the Rule.**

*Petitioners’ attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

Application No. 12/392,871

## BACKGROUND

Petitioner failed to reply timely and properly to the non-final Office action mailed on 3 August, 2009, with reply due absent extension of time on or before 3 November, 2009.

The application went abandoned after midnight 3 November, 2009.

The Office mailed the Notice of Abandonment on 19 February, 2010.

On 16 February, 2011—more than fifteen months after abandonment and twelve months after Notice thereof—Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with no fee/authorization apparent, and a statement of unintentional delay, with a reply in the form of an amendment. Petitioner provided no indication of the facts underlying the delay and how those facts made that extended delay unintentional and failed to pay the proper petition fee.

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

Petitioner has failed to satisfy the requirements under the Rule and discussed above.

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

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

## STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>2</sup>

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<sup>1</sup> 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).

<sup>2</sup> 35 U.S.C. §133 provides:

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

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

Application No. 12/392,871

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

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

*Again, Petitioner's attentions are directed to the guidance in the Commentary at MPEP §711.03(c).*

As to the Allegations  
of Unintentional Delay

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

As of this writing it appears that Petitioner has failed to satisfy the requirements under the Rule.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **dismissed**.

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

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

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

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

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

Application No. 12/392,871

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>4</sup>) 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

---

<sup>4</sup> 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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WILSON DANIEL SWAYZE, JR.  
3804 CLEARWATER CT.  
PLANO TX 75025

**MAILED**

AUG 22 2011

In re Application of	:	OFFICE OF PETITIONS
Ashby	:	
Application No. 12/392,871	:	DECISION
Filed: 20 June, 2008	:	
Attorney Docket No. P0958.70005US01	:	

This is a decision on the petition filed on 27 July, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b) .

**NOTE:**

The record (including the petition filed on 27 July, 2011) does not necessitate a finding that the delay between midnight 3 November, 2009 (the date of abandonment), and 27 July, 2011 (the date of the filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Counsel Wilson Daniel Swayze, Jr. (Reg. No. 34,478) when accepting Petitioner's representation that the delay in filing the response was unintentional.<sup>1</sup>

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

As to the Allegations  
of Unintentional Delay

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

<sup>1</sup> See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

Application No. 12/392,871

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

### BACKGROUND

Petitioner failed to reply timely and properly to the non-final Office action mailed on 3 August, 2009, with reply due absent extension of time on or before 3 November, 2009.

The application went abandoned after midnight 3 November, 2009.

The Office mailed the Notice of Abandonment on 19 February, 2010.

On 16 February, 2011—more than fifteen months after abandonment and twelve months after Notice thereof—Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with no fee/authorization apparent, and a statement of unintentional delay, with a reply in the form of an amendment. Petitioner provided no indication of the facts underlying the delay and how those facts made that extended delay unintentional and failed to pay the proper petition fee. The petition was dismissed on 27 May, 2011.

On 27 July, 2011, Petitioner re-advanced his petition, this time with fee, pointed to the previously filed reply in the form of an amendment, and provided an explanation of the unintentional delay.

**As noted above, the record (including the petition filed on 27 July, 2011) does not necessitate a finding that the delay between midnight 3 November, 2009 (the date of abandonment), and 27 July, 2011 (the date of the filing of grantable petition), was not unintentional.**

**Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Counsel Wilson Daniel Swayze, Jr. (Reg. No. 34,478) when accepting Petitioner's representation that the delay in filing the response was unintentional.<sup>2</sup>**

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

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<sup>2</sup> See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

Application No. 12/392,871

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.<sup>3</sup>

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).<sup>4</sup> The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.<sup>5</sup>))

#### As to Allegations of Unintentional Delay

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

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

### CONCLUSION

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

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<sup>3</sup> 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).

<sup>4</sup> 35 U.S.C. §133 provides:

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

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

<sup>5</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one’s attention and the mail is not timely deposited for shipment.

Application No. 12/392,871

The instant application is released to the Technology Center/AU 3641 for further processing in due course.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>6</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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<sup>6</sup> 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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MDIP LLC  
POST OFFICE BOX 2630  
MONTGOMERY VILLAGE MD 20886-2630

**MAILED**

SEP 19 2011

**OFFICE OF PETITIONS**

In re Application of :  
Russell D. Mileham et al : DECISION GRANTING STATUS  
Application No. 12/392,884 : UNDER 37 CFR 1.47(a)  
Filed: February 25, 2009 :  
Attorney Docket No. 190408-21930302 :

This is in response to the communication received February 25, 2009, which is being treated as a request to accord 37 CFR 1.47(a) status to the above-identified application. Copies of the decision in parent Application No. 11/223805, which granted a petition to accord 37 CFR 1.47(a) therein, of which the instant application is a divisional, accompany the request.

The request is **granted**.

Where status under 37 CFR 1.47 is granted in a first application and the nonsigning inventor does not later join in the filing by executing an oath or declaration for the application, and another application (a child application) is later filed claiming the benefit of the filing date of the first application and using the declaration of the prior application, status under 37 CFR 1.47 continues to exist in the child application. Prior Application No. 08/315,902, of which the instant application claims priority benefits under 35 USC 120, was accorded 37 CFR 1.47 status.

37 CFR 1.63(d)(3) states:

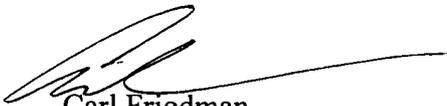
Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c).

The application papers were accompanied by a copy of the decision granting a petition under 37 CFR 1.47(a) in the prior application.

The above-identified application and papers are now in compliance with 37 CFR 1.47(a). This application is hereby accorded rule 1.47(a) status. As provided in 37 CFR 1.47(c), no notice of this application's filing will be forwarded to the nonsigning inventor nor will such notice be published in the Official Gazette<sup>1</sup> since notice regarding the filing of the prior application was given to the nonsigning inventor.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-6842.



Carl Friedman  
Petitions Examiner  
Office of Petitions

Cc: Schwegman, Lundberg & Woessner, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402

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<sup>1</sup> Note Federal Register, Vol. 65, No. 175; Friday, September 8, 2000.



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COLUMBIA CENTER  
701 FIFTH AVENUE, SUITE 6100  
SEATTLE WA 98104-7043

**MAILED**  
**DEC 16 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Michael Sandoval et al : **DECISION GRANTING STATUS**  
Application No. 12/392,900 : **UNDER 37 CFR 1.47(a)**  
Filed: February 25, 2009 :  
Attorney Docket No. 190125/US :

This is a decision on the petition filed October 9, 2009 under 37 CFR 1.47(a).

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Joseph Jonas, has refused to join in the filing of the above-identified application.

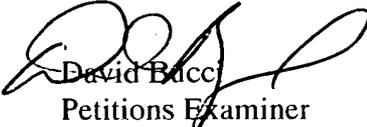
The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

As authorized, the \$200 petition fee is being charged to petitioner's Deposit Account No. 50-1266.

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

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

  
David Bucc  
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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Joseph Jonas  
c/o Michael Auer  
2528 1<sup>st</sup> Avenue West  
Seattle, WA 98119

**MAILED**

**DEC 16 2011**

**OFFICE OF PETITIONS**

In re Application of  
Michael Sandoval; Joseph Jonas  
Application No. 12/392,900  
Filed: February 25, 2009

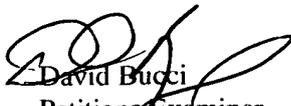
For: PLATFORM FOR DATA AGGREGATION, COMMUNICATION, RULE EVALUATION, AND COMBINATIONS THEREOF, USING TEMPLATED AUTO-GENERATION

Dear Mr. Jonas:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

  
David Bucci  
Petitions Examiner  
Office of Petitions

cc: Dorsey & Whitney LLP  
Intellectual Property Department  
Columbia Center  
701 Fifth Avenue, Suite 6100  
Seattle, WA 98104-7043

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 06-21-11

TO SPE OF : ART UNIT 2441

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/39202 Patent No.: 7941551  
*12/392 902*

CofC mailroom date: 06-16-11

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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



Note: \_\_\_\_\_  
\_\_\_\_\_

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: After review, Examiner found the scope of the claims  
was not changed and no new matter was introduced  
I.R. 2.1  
6/22/11

SPE /Wing F. Chan/

Art Unit 2441



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date : September 26,2011

In re Application of :

Miki Tanaka

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12392925

Filed : 25-Feb-2009

Attorney Docket No : 076376.1265

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 26,2011, 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 3728 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12392925
Filing Date	25-Feb-2009
First Named Inventor	Miki Tanaka
Art Unit	3728
Examiner Name	DAVID FIDEI
Attorney Docket Number	076376.1265
Title	RECEPTACLES, SUCH AS BOXES, AND PACKAGING ARRANGEMENTS WHICH INCLUDE SUCH RECEPTACLES

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	/Chad Michael Cullen/
Name	Chad Michael Cullen
Registration Number	64476



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LEVINE BAGADE HAN LLP  
2400 GENG ROAD, SUITE 120  
PALO ALTO CA 94303

**MAILED**

**FEB 27 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Mehta :  
Application No. 12/392,936 : DECISION ON PETITION  
Filed: February 25, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. PRMVNZ01500 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 3, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment 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 applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.*

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. 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 3767 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.



Shirene Willis Brantley  
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
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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. Values: 12/392,936, 02/25/2009, 3767, 2275, PRMVNZ01500, 38, 2

CONFIRMATION NO. 9759

CORRECTED FILING RECEIPT



40518
LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

Date Mailed: 02/22/2012

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

Applicant(s)

Bankim H. MEHTA, San Ramon, CA;

Assignment For Published Patent Application

Primaeva Medical, Inc., Pleasanton, CA

Power of Attorney: The patent practitioners associated with Customer Number 40518

Domestic Priority data as claimed by applicant

This application is a CIP of 11/764,032 06/15/2007

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: 03/09/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/392,936

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

DEVICES AND METHODS FOR PERCUTANEOUS ENERGY DELIVERY

**Preliminary Class**

606

**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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P.O. BOX 320850  
ALEXANDRIA VA 22320-4850

**MAILED**  
**JUN 23 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 7,863,704 :  
Issue Date: January 4, 2011 :  
Application No. 12/392,943 : **DECISION ON PETITION**  
Filed: February 25, 2009 :  
Attorney Docket No. 115253.02 :

This is a decision on the Request Under 37 C.F.R. §3.81(b) and Request For Certificate Of Correction Under Rule 323, filed February 16, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

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

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

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

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

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

U.S. Patent No. 7,863,704  
Application No. 12/392,943  
Decision on Petition under 37 CFR §3.81(b)

Page 2

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

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

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,863,704.

  
Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 09/01/10

TO SPE OF : ART UNIT 2812

SUBJECT : Request for Certificate of Correction for Appl. No.: 12393121 Patent No.: 7749820

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

**Certificates of Correction Branch (C of C)  
Randolph Square 9D40-D  
Palm Location 7580**

**You can fax the Directors/SPE response to 571-270-9990**

*Lamonte Newsome*

**Certificates of Correction Branch  
703-756-1574**

**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

2812  
Art Unit

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 26, 2011  
Electronic Signature for Daryl K. Neff: /Daryl K. Neff/

DKN

Docket No.: TESSERA 3.0-567  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Crisp et al.

Application No.: 12/393,233

Confirmation No.: 1373

Filed: February 26, 2009

Art Unit: 2813

For: WAFER LEVEL PACKAGES FOR REAR-  
FACE ILLUMINATED SOLID STATE  
IMAGE SENSORS

Examiner: J. Hall

**PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102**

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

Dear Sir:

Applicants, Crisp et al., by their attorneys, petition to make special the above-captioned application under the "Project Exchange / Patent Application Backlog Reduction Stimulus Plan." Special status is sought based upon the express abandonment of a Co-pending Application owned by the same party as this application.

1. This application, for which special status is sought, is a nonprovisional application that has an actual filing date earlier than October 1, 2009. This application is owned by Tessera, Inc., now and as of October 1, 2009. This application has not yet been taken up for examination.

2. Co-pending nonprovisional Application 12/228,537 has an actual filing date of August 13, 2008 which is earlier than October 1, 2009, and said Co-pending Application is complete under

37 CFR 1.53.

3. Said Co-pending Application is owned by the same party as this Application, Tessera, Inc., as of October 1, 2009.

4. A letter of express abandonment (Declaration of Express Abandonment under 37 CFR 1.138(a)) (attached hereto as Exhibit 1) has been filed in said Co-pending Application before it has been taken up for examination, in that no examiner action has yet been made as recorded in the USPTO PAIR database on the date said Declaration was filed. The Declaration of Express Abandonment states:

(a) Applicants have not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code;

(b) Applicants agree not to request a refund of any fees paid in the expressly abandoned application; and

(c) Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application, as defined by statutory double-patenting under 35 U.S.C. 101.

5. Applicants have not filed petitions in more than fourteen other applications requesting special status under this program.

6. Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of this application to be made special are directed to two or more independent or distinct inventions.

7. It is believed that no fee is due for this Petition under the Project Exchange program per 74 F.R. 227

(November 27, 2009). However, if any fee is due, please charge the Deposit Account No. 12-1095.

Dated: January 26, 2011

Respectfully submitted,

<sup>DKN</sup>  
Electronic signature: /Daryl K. Neff/  
Daryl K. Neff

Registration No.: 38,253  
LERNER, DAVID, LITTENBERG, KRUMHOLZ  
& MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicants

I335993\_1.doc

# EXHIBIT 1

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 26, 2011  
Electronic Signature for Daryl K. Neff: /Daryl K. Neff/

DKN

Docket No.: TESSERA 3.0-578  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Endo et al.

Application No.: 12/228,537

Confirmation No.: 5506

Filed: August 13, 2008

Art Unit: 2835

For: MULTILAYER SUBSTRATE WITH  
INTERCONNECTION VIAS AND METHOD  
OF MANUFACTURING THE SAME

Examiner: J. C. Norris

**DECLARATION OF EXPRESS ABANDONMENT UNDER 37 CFR 1.138 (a)**

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

Dear Sir:

Applicants, Endo et al., by their attorneys, files this declaration of express abandonment under 37 CFR 1.138(a). This Declaration of Express Abandonment is being filed under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan to secure special status for Co-Pending Application 12/393,233.

1. This declaration of express abandonment is being filed before the application has been taken up for examination.

2. Applicants have not and will not file an application that claims the benefit of this Application under any provision of title 35, United States Code;

3. Applicants agree not to request a refund of any fees paid in this Application; and

4. Applicants have not and will not file a new application that claims the same invention claimed in this

Application, as defined by statutory double-patenting under 35 U.S.C. 101.

5. It is believed that no fee is due for this Petition. However, if any fee is due, please charge the Deposit Account No. 12-1095.

Dated: January 26, 2011

Respectfully submitted,

<sup>DKN</sup>  
Electronic signature: /Daryl K. Neff/  
Daryl K. Neff

Registration No.: 38,253  
LERNER, DAVID, LITTENBERG, KRUMHOLZ &  
MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant



TESSERA  
LERNER DAVID et al.  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090

**MAILED**

**FEB 09 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
CRISP, et al.	:	DECISION ON PETITION
Application No. 12/393,233	:	TO MAKE SPECIAL
Filed: February 26, 2009	:	37 CFR 1.102
Attorney Docket No. TESSERA 3.0-567	:	

This is a decision on the petition under 37 CFR 1.102, filed January 26, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

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

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

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

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

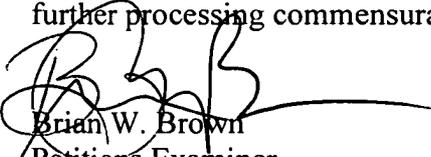
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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

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

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

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

  
Brian W. Brown  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON DC 20036

MAILED

JAN 13 2011

OFFICE OF PETITIONS

In re Application of  
Al Takumi, et al.  
Application No. 12/393,268  
Filed: February 26, 2009  
Attorney Docket No. 090249

DECISION GRANTING PETITION  
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 12, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU2873 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

<sup>1</sup> 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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MATTINGLY & MALUR, PC  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA VA 22314

**MAILED**

DEC 19 2011

OFFICE OF PETITIONS

In re Application of :  
Naoyuki Nagafuchi, et al. :  
Application No. 12/393,307 : DECISION GRANTING PETITION  
Filed: February 26, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. NIT-5003-03 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 16, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on November 18, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2857 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/393,382	02/26/2009	Thomas J. Prest	72454_US_NP	1643
30279	7590	02/21/2012	EXAMINER	
DANA REWOLDT Syngenta Biotechnology, Inc. 3054 E. Cornwallis Road Durham, NC 27709			IBRAHIM, MEDINA AHMED	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			02/21/2012	ELECTRONIC

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

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

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

ip.sbi@syngenta.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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FEB 21 2012

DANA REWOLDT  
Syngenta Biotechnology, Inc.  
3054 E. Cornwallis Road  
Durham NC 27709

In re Application of:  
Thomas J. Prest  
Serial No.: 12/393,382  
Filed: February 26, 2009  
Attorney Docket No.: 72454\_US\_NP

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed February 2, 2012, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on August 5, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

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

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12393432
Filing Date	26-Feb-2009
First Named Inventor	Toshiki TARU
Art Unit	2874
Examiner Name	ELLEN KIM
Attorney Docket Number	050395-0442
Title	PHOTONIC BANDGAP FIBER

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	/Stephen A. Becker/
Name	Stephen A. Becker
Registration Number	26527



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : June 27,2011

In re Application of :

Toshiki TARU

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12393432

Filed : 26-Feb-2009

Attorney Docket No : 050395-0442

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 27,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application file is being referred to Technology Center AU 2874 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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

ADVANCED LIQUID LOGIC, INC.  
C/O WARD AND SMITH, P.A.  
1001 COLLEGE COURT  
P.O. BOX 867  
NEW BERN NC 28563-0867

**MAILED**  
DEC 09 2011  
**OFFICE OF PETITIONS**

In re Application of :  
SISTA et al. :  
Application No. 12/393,534 : DECISION GRANTING PETITIONS  
Filed: 02/26/2009 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)  
Attorney Docket No. 060885-00238.090UTL :

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed November 21, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed Application Data Sheet (ADS).

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.

The reference must be submitted during the pendency of the later-filed 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 under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications 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 37 CFR 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 claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications accompanies this decision on petition.

The Office notes that the amendment filed November 21, 2011, to add the reference to the prior-filed applications in the first sentence of the specification following the title is not acceptable as drafted because it improperly incorporates by reference prior-filed Application No. 11/639,531. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim after the filing date of the application, the amendment would not be proper. When a benefit claim 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.<sup>1</sup> *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *See* MPEP 201.06(c) and 608.04(b). Accordingly, the amendment, filed November 21, 2011, is improper. Applicants should consider filing a new amendment removing the incorporation by reference statement of prior-filed Application No. 11/639,531.

The request under 37 CFR 1.48 for correction of inventorship filed December 6, 2011, will be decided by the primary examiner pursuant to MPEP 1002.02(e).

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<sup>1</sup> Applicants may retain the incorporation by reference statement of prior-filed provisional Application No. 61/031,973 because the incorporation by reference statement was present on filing Application No. 12/393,534.

This application is being forwarded to Technology Center Art Unit 1641 for consideration by the examiner of the claim under 35 U.S.C. 120 and 119(e) of the prior-filed nonprovisional application and provisional application.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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: 12/393,534, 02/26/2009, 1641, 527, 060885-00238.090UTL, 11, 3

CONFIRMATION NO. 1925

CORRECTED FILING RECEIPT



67945
ADVANCED LIQUID LOGIC, INC.
C/O WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

Date Mailed: 12/09/2011

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

Applicant(s)

Ramakrishna Sista, Morrisville, NC;
Michael G. Pollack, Durham, NC;
Vamsee K. Pamula, Durham, NC;
Vijay Srinivasan, Durham, NC;

Assignment For Published Patent Application

ADVANCED LIQUID LOGIC, INC., Research Triangle Park, NC

Power of Attorney: The patent practitioners associated with Customer Number 64199

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/031,973 02/27/2008
and is a CIP of 11/639,531 12/15/2006
which claims benefit of 60/745,058 04/18/2006
and claims benefit of 60/745,039 04/18/2006
and claims benefit of 60/745,043 04/18/2006
and claims benefit of 60/745,059 04/18/2006
and claims benefit of 60/745,914 04/28/2006
and claims benefit of 60/745,950 04/28/2006
and claims benefit of 60/746,797 05/09/2006
and claims benefit of 60/746,801 05/09/2006
and claims benefit of 60/806,412 06/30/2006
and claims benefit of 60/807,104 07/12/2006

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:** 03/10/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/393,534**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Droplet Actuator Devices and Methods for Immunoassays and Washing

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

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: 70257.101 (M-17356US)	Application Number (if known): 12/393,559	Filing date: 02/26/2009
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First Named Inventor: **Wei Shi**

Title: **HEAT SINK BASE FOR LEDS**

**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.**

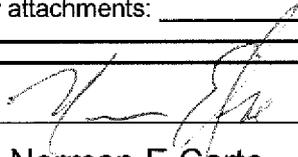
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas 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 	Date 12/16/2010
Name (Print/Typed) <b>Norman E Carte</b>	Registration Number 30,455

**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

Applicants: Wei Shi  
Assignee: BRIDGELUX, INC.  
Title: HEAT SINK BASE FOR LEDS  
Application No.: 12/393,559                      Filing Date: 02/26/2009  
Examiner: Unknown                              Group Art Unit: 2822  
Docket No.: 70257.101 (M-17356US)      Confirmation No: 1971

Irvine, California  
December 16, 2010

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

**STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Dear Sir:

The basis for this Petition to Make Special Under the Green Technology Pilot Program is energy conservation. This invention contributes to energy conservation and thus qualifies for the Green Technology Pilot Program because the invention facilitates the manufacture and/or use of light emitting diodes (LEDs) which use substantially less energy than contemporary incandescent and fluorescent lights. Thus, it is respectfully submitted that the materiality standard is met.

The present patent application has been published on August 26, 2010 and assigned publication no.: US-2010-0213808-A1.

Haynes & Boone, LLP  
Attorney & Counselors

18100 Van Karman  
Suite 750  
Irvine, CA 92612-0169

**CONCLUSION**

Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 08-1394. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 202-3000 is welcomed and encouraged.

Certification of Electronic Transmission

I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.

  
\_\_\_\_\_  
Nuo Qu

**December 16, 2010**  
Date of Signature

Respectfully submitted,



Norman E. Carte  
Agent for Applicants  
Reg. No. 30,455



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/393,559	02/26/2009	Wei Shi	M-17356 US	1971
32605	7590	12/22/2010	EXAMINER	
Haynes and Boone, LLP IP Section 2323 Victory Avenue SUITE 700 Dallas, TX 75219			SOWARD, IDA M	
			ART UNIT	PAPER NUMBER
			2822	
			MAIL DATE	DELIVERY MODE
			12/22/2010	PAPER

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

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



Haynes and Boone, LLP  
IP Section  
2323 Victory Avenue  
SUITE 700  
Dallas TX 75219

In re Application of :  
Wei SHI :  
Application No. 12/393,559 :  
Filed: February 26, 2010 :  
Attorney Docket No. M-17356 US :

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 on December 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

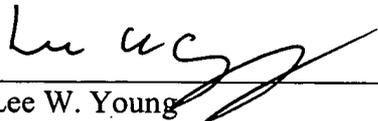
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2822 for action in its regular turn.



---

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/393,567	02/26/2009	Adrian de Dreu	72456_US_NP	1989
30279	7590	02/06/2012	EXAMINER	
DANA REWOLDT Syngenta Biotechnology, Inc. 3054 E. Cornwallis Road Durham, NC 27709			IBRAHIM, MEDINA AHMED	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			02/06/2012	ELECTRONIC

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

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

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

ip.sbi@syngenta.com



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FEB 06 2012

DANA REWOLDT  
Syngenta Biotechnology, Inc.  
3054 E. Cornwallis Road  
Durham NC 27709

In re Application of: :  
Adrian De Dreu :  
Serial No.: 12/393,567 : PETITION DECISION  
Filed: February 26, 2009 :  
Attorney Docket No.: 72456\_US\_NP :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 25, 2012, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on August 5, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

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



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ALEXANDRIA, VA 22313-1450  
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HUSCH BLACKWELL SANDERS, LLP  
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ  
120 S RIVERSIDE PLAZA  
22ND FLOOR  
CHICAGO, IL 60606

**MAILED**  
MAR 08 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
DESHMUKH et al	:	
Application No.: 12/393,568	:	DECISION ON PETITION
Filing Date: February 26, 2009	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 1609/97599-US	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 3, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the amendment filed on December 20, 2010.

The petition is **GRANTED**.

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

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an

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

***The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.***

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

Any inquiries concerning this decision may be directed to Bryan Lin at (571)272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3775 for appropriate action on the amendment filed December 20, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application.



Bryan Lin  
Legal Examiner  
Office of PCT Legal Administration

ATTACHMENT: corrected filing receipt



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FEB 25 2011

PCT LEGAL ADMINISTRATION

HUSCH BLACKWELL SANDERS, LLP  
HUSCH BLACKWELL SANDERS LLP WELSH & KATZ  
120 S RIVERSIDE PLAZA  
22ND FLOOR  
CHICAGO, IL 60606

In re Application of :  
DESHMUKH et al :  
Application No.: 12/393,568 : DECISION ON PETITION  
Filing Date: February 26, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No.: 1609/97599-US :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 20, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (3) above. The statement contained in the petition does not specifically state 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.

Additionally, applicant is advised that an application data sheet must bear a proper signature as required by 37 CFR 1.33(b). The inclusion of a signature on an accompanying cover letter is insufficient. Applicant may wish to refer to the most recent version of Form PTO/SB/14

([http://www.uspto.gov/forms/sb0014\\_fill.pdf](http://www.uspto.gov/forms/sb0014_fill.pdf)) which contains an appropriate signature block. It is noted that a properly signed supplemental application data sheet is not required for the granting of the petition because the necessary reference under 37 CFR 1.78(a)(2)(i) is contained in the amendment to the specification filed with the petition.

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



Bryan Lin  
Legal Examiner  
Office of PCT Legal Administration  
(571) 272-3303



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**ROBERT PLATT BELL  
REGISTERED PATENT ATTORNEY  
P.O. BOX 13165  
JEKYLL ISLAND GA 31527**

**MAILED**

**SEP 13 2010**

In re Application of  
Spivey et al.  
Application No. 12/393,576  
Filed: February 26, 2009  
Attorney Docket No. TAPROOT-0004

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**OFFICE OF PETITIONS  
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 August 23, 2010.

The request is **DISMISSED**.

A review of the file record indicates that the attorneys/agents associated with Customer Number 21261: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner was never given power of attorney but is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation.

The change of correspondence address as listed in the Request to Withdraw cannot be accepted because it was not signed by an attorney of record. See MPEP §§ 601.03 and 405. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will continue to mail all future correspondence solely to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: TAPROOT SYSTEMS, INC.  
ATTN. BOB BICKSLER  
4000 CENTREGREEN WAY, SUITE 200  
CARY, NC 27513



UNITED STATES PATENT AND TRADEMARK OFFICE

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

LANDO & ANASTASI, LLP  
ONE MAIN STREET, SUITE 1100  
CAMBRIDGE, MA 02142

**MAILED**

**NOV 17 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Kenneth P. Weiss :  
Application No. 12/393,586 : DECISION GRANTING PETITION  
Filed: February 26, 2009 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)  
Attorney Docket No. W0537-701330 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed September 15, 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 **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.

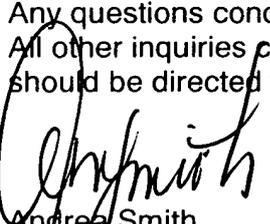
Since all the above requirements have been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

**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.

This application is being forwarded to Technology Center Art Unit 3621 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.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Andrea Smith  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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: 12/393,586, 02/26/2009, 3621, 1646, W0537-701330, 31, 3

CONFIRMATION NO. 1017

CORRECTED FILING RECEIPT



37462
LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE, MA 02142

Date Mailed: 11/17/2011

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

Applicant(s)

Kenneth P. Weiss, Newton, MA;

Power of Attorney: The patent practitioners associated with Customer Number 37462

Domestic Priority data as claimed by applicant

This application is a CIP of 11/760,732 06/08/2007 PAT 7,809,651
and is a CIP of 11/760,729 06/08/2007 PAT 7,805,372
and is a CIP of 11/677,490 02/21/2007 PAT 8,001,055
and said 11/760,732 06/08/2007
claims benefit of 60/812,279 06/09/2006
and claims benefit of 60/859,235 11/15/2006
and said 11/760,729 06/08/2007
claims benefit of 60/859,235 11/15/2006
and claims benefit of 60/812,279 06/09/2006
and said 11/677,490 02/21/2007
claims benefit of 60/859,235 11/15/2006
and claims benefit of 60/812,279 06/09/2006
and claims benefit of 60/775,046 02/21/2006

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: 11/16/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/393,586

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

UNIVERSAL SECURE REGISTRY

**Preliminary Class**

705

## **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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CAMBRIDGE MA 02142

**MAILED**

**DEC 16 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Kenneth P. Weiss :  
Application No. 12/393,586 : DECISION GRANTING PETITION  
Filed: February 26, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. W0537-701330 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 12, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on September 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 3621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed request for corrected filing receipt (petition under CFR 1.78 correction).

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

<sup>1</sup> 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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LEVENFELD PEARLSTEIN, LLC (ILLINOIS TOOL WORKS)  
2 NORTH LASALLE STREET  
SUITE 1300  
CHICAGO, IL 60602

**MAILED**

**NOV 09 2010**

In re Application of :  
Richard J. Ernst et al :  
Application No. 12/393,592 :  
Filed: February 26, 2009 :  
Attorney Docket No. 21885/35371-74463 :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition filed October 18, 2010 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed June 29, 2010, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 30, 2010.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of formal drawings; (2) the petition fee; (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



24628  
HUSCH BLACKWELL LLP  
120 S. Riverside Plaza  
22<sup>nd</sup> Floor  
Chicago, IL 60606

**MAILED**

NOV 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :  
CRAWFORD *et al* :  
Application No.: 12/393,605 :  
Filing Date: February 26, 2009 :  
Attorney Docket No.: 1609-98172-US :  
For: COMPUTERIZED PLANNING TOOL :  
FOR SPINE SURGERY AND METHOD :  
AND DEVICE FOR CREATING A :  
CUSTOMIZED GUIDE FOR :  
IMPLANTATIONS :

**DECISION**

This is a decision on the "Petition under 37 CFR §§ 1.78(a)(3) to Perfect Priority Claim" filed September 19, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to PCT/US2007/019,197, filed on August 31, 2007.

The petition is **DISMISSED**.

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

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

The petition does not comply with item (1) above. Applicants submitted an amendment

to the specification with the subject petition containing an incorporation by reference statement. However, the reference to add the PCT application is improper. 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)(IV).

Applicants are further advised that the supplemental ADS does not bear a signature as required in accordance with 37 CFR 1.33 and 10.18. Applicants are encouraged to use the most recent version of the ADS which includes a signature block. It can be obtained at: [http://www.uspto.gov/ebc/portal/efs/sb0014\\_fill.pdf](http://www.uspto.gov/ebc/portal/efs/sb0014_fill.pdf).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a substitute amendment (complying with 37 CFR 1.121) removing the improper incorporation by reference statement must be provided.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to the Office of PCT Legal Administration at (571) 273-04559, or if mailed 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.

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.



Boris Milef  
Legal Examiner  
Office of PCT Legal Administration



24628  
HUSCH BLACKWELL LLP  
120 S. Riverside Plaza  
22<sup>nd</sup> Floor  
Chicago, IL 60606

**MAILED**

**MAR 02 2012**

PCT LEGAL ADMINISTRATION

In re Application of :  
CRAWFORD *et al* :  
Application No.: 12/393,605 :  
Filing Date: February 26, 2009 :  
Attorney Docket No.: 1609-98172-US :  
For: COMPUTERIZED PLANNING TOOL :  
FOR SPINE SURGERY AND METHOD :  
AND DEVICE FOR CREATING A :  
CUSTOMIZED GUIDE FOR :  
IMPLANTATIONS :

**DECISION**

This is a decision on the renewed petition under 37 CFR § 1.78 filed December 16, 2011 which is treated as a 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, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international and provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

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.

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) an amendment to the specification that properly states the relationship of the prior-filed applications to the subject application. The improper incorporation by reference statement has been removed. Items (2) and (3) of 37 CFR 1.78 were previously completed.

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 international and provisional applications accompanies this decision.

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

This matter is being referred to Technology Center Art Unit 3774 for appropriate action on the amendment filed December 16, 2011, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 and 119(e) to the prior-filed applications.



Boris Milef  
PCT Legal Examiner  
Office of PCT Legal Administration



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United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/393,640	02/26/2009	Theron Roundy	72557_US_NP	1106
30279	7590	02/21/2012	EXAMINER	
DANA REWOLDT Syngenta Biotechnology, Inc. 3054 E. Cornwallis Road Durham, NC 27709			IBRAHIM, MEDINA AHMED	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			02/21/2012	ELECTRONIC

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

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

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

ip.sbi@syngenta.com



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P.O. Box 1450  
Alexandria, VA 22313-1450  
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FEB 21 2012

DANA REWOLDT  
Syngenta Biotechnology, Inc.  
3054 E. Cornwallis Road  
Durham NC 27709

In re Application of: :  
Theron Roundy : PETITION DECISION  
Serial No.: 12/393,640 :  
Filed: February 26, 2009 :  
Attorney Docket No.: 72557\_US\_NP :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 25, 2012, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on August 5, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

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



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Baker & Daniels LLP- Dow AgroSciences  
300 North Meridian Street, Suite 2700  
Indianapolis IN 46204

**MAILED**

**DEC 19 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Boucher et al. :  
Application Number: 12/393,661 : ON PETITION  
Filing Date: 02/26/2009 :  
Attorney Docket Number: :  
65593B US CIP :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on November 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on August 12, 2011, for failure to timely file a proper reply to the non-final Office action mailed on May 11, 2011, which set a three (3)-month shortened statutory period for reply. No extension of the time for reply in accordance with 37 CFR 1.136(a) was obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

Receipt of the amendment filed on November 23, 2011 is acknowledged.

The application is referred to the Technology Center Art Unit 1617 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



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www.uspto.gov

COOPER & DUNHAM, LLP  
30 ROCKEFELLER PLAZA, 20<sup>TH</sup> FLOOR  
NEW YORK, NY 10112

**MAILED**  
**DEC 06 2010**

In re Application of :  
**Shunichi SATO, et al.** :  
Application No. 12/393701 :  
Filed: February 26, 2009 :  
Attorney Docket No. **2271/65887-Z-C** :

**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 December 3, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on October 25, 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.***

There is no indication that the petition is signed by a registered patent attorney of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Paul Teng appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Teng desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2828 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

<sup>1</sup> 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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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

**MAILED**

JUN 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :  
KEMMOCHI et al :  
Application No.: 12/393,708 : DECISION ON PETITION  
Filing Date: February 26, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No.: Q112369 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 1, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the amendment filed concurrently with the instant petition.

Applicant is advised that when claiming benefit to a national stage application filed under 35 U.S.C. 371, reference to the U.S. application number is sufficient without identification of the international application number and international filing date. See Broadcast Innovation v. Charter Communications, CAFC, 05-1008, (2005).

Accordingly, the petition is **DISMISSED AS MOOT**.

The \$1,410.00 petition fee will be refunded in due course.

A corrected filing receipt accompanies this decision.

The application will be forwarded to the Office of Patent Publications for further processing.

*Bryan Lin*

Bryan Lin  
Legal Examiner  
Office of PCT Legal Administration  
571-272-3303



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

Applicant: Ken Nishioka et al.  
Appl. No.: 12/393,792  
Filing Date: February 26, 2009  
Title: IMAGE DISPLAY DEVICE  
Attorney Docket No.: 04536/226001  
Pub. No.: US 2009/0237622 A1  
Pub. Date: September 24, 2009

**MAILED**  
AUG 11 2010  
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 20, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because claim 1 contains a material error wherein the phrase "said laser light" was misprinted as "said laser fight."

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.<sup>1</sup>

The error noted by applicant wherein light is misprinted as fight may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error is a minor typographical error which is clear to one reading the claim. The error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(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:

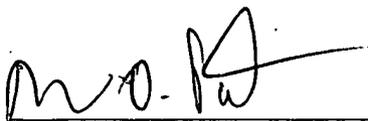
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](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.



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



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[www.uspto.gov](http://www.uspto.gov)

Decision Date : August 6,2011

In re Application of :

Sourabh Niyogi

Application No : 12393795

Filed : 26-Feb-2009

Attorney Docket No : SOC15246

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 6,2011

The request is **APPROVED**.

The request was signed by Amir H. Raubvogel (registration no. 37070 ) on behalf of all attorneys/agents associated with Customer Number 48384 . All attorneys/agents associated with Customer Number 48384 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 Social Media Networks, Inc.  
Name2 c/o LivingSocial, Inc.  
Address 1 1445 New York Avenue, N.W.  
Address 2 Suite 200  
City Washington  
State DC  
Postal Code 20005  
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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12393795	
Filing Date	26-Feb-2009	
First Named Inventor	Sourabh Niyogi	
Art Unit	3688	
Examiner Name	KRISHAN MITTAL	
Attorney Docket Number	SOC15246	
Title	Generating And Presenting Targeted Advertisements Including Representations Of Subject Individuals	
<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:		48384
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	Social Media Networks, Inc. c/o LivingSocial, Inc.	
Address	1445 New York Avenue, N.W. Suite 200	
City	Washington	
State	DC	
Postal Code	20005	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Amir H. Raubvogel/
Name	Amir H. Raubvogel
Registration Number	37070



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Battelle Memorial Institute  
P.O. Box 999, K1-53  
Richland WA 99352

**MAILED**  
**SEP 22 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Liu, et al. :  
Application No. 12/393,837 : **DECISION ON PETITION**  
Filed: February 26, 2009 :  
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.182, filed September 16, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

The Office acknowledges receipt of the \$400 fee for the petition under 37 CFR 1.182.

This application is being referred to Technology Center AU 1774 for consideration of the amendment filed on September 16, 2011.

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

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

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. Values: 12/393,837, 02/26/2009, 1774, 826, 15740-E, 29, 3

CONFIRMATION NO. 1481

CORRECTED FILING RECEIPT

Battelle Memorial Institute
P.O. Box 999, K1-53
Richland, WA 99352



Date Mailed: 09/21/2011

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)

Wei Liu, Richland, WA;
Yong Wang, Richland, WA;

Assignment For Published Patent Application

BATTELLE MEMORIAL INSTITUTE, Richland, WA

Power of Attorney: The patent practitioners associated with Customer Number 29171

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/031,452 02/26/2008

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: 03/10/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/393,837

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

STRUCTURED CATALYST BED AND METHOD FOR CONVERSION OF FEED MATERIALS TO CHEMICAL PRODUCTS AND LIQUID FUELS

**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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/393,843	02/26/2009	Dale R. Clark	1196-011	1490

32905 7590 01/06/2011  
JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK, CO 80108

EXAMINER
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MEHTA, ASHWIN D

ART UNIT	PAPER NUMBER
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1638

NOTIFICATION DATE	DELIVERY MODE
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01/06/2011

ELECTRONIC

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

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

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

JondleOA@jondlelaw.com



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JAN 05 2011

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
Dale R. Clark :  
Serial No.: 12/393,843 : PETITION DECISION  
Filed: February 26, 2009 :  
Attorney Docket No.: 1196-011 :

This is in response to the petition under 37 CFR § 1.59(b), filed December 9, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 9, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such the information provided has not been reviewed nor have proceedings in the application been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

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

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/393,843	02/26/2009	Dale R. Clark	1196-011	1490
32905	7590	09/28/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			O HARA, EILEEN B	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			09/28/2011	ELECTRONIC

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

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

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

JondleOA@jondlelaw.com



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SEP 28 2011

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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

Dale R. Clark

Serial No.: 12/393,843

Filed: February 26, 2009

Attorney Docket No.: 1196-011

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 24, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on December 9, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

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



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/393,878 02/26/2009 Aaron Roger Cox IBM1P173/SJO920080115US1 1545

7590 03/24/2011
ZILKA-KOTAB, PC- IBM
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

ALTSCHUL, AMBER L

ART UNIT PAPER NUMBER

3686

MAIL DATE DELIVERY MODE

03/24/2011

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of 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 under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. [ ] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [ ] The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. [ ] Petition fee was not paid.

The application has/will be published as scheduled.

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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/393,878 02/26/2009 Aaron Roger Cox IBM1P173/SJO920080115US1 1545

7590 03/29/2011
ZILKA-KOTAB, PC- IBM
P.O. BOX 721120
SAN JOSE, CA 95172-1120

Table with 1 column: EXAMINER
ALTSCHUL, AMBER L

Table with 2 columns: ART UNIT, PAPER NUMBER
3686

Table with 2 columns: MAIL DATE, DELIVERY MODE
03/29/2011 PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. [X] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [ ] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [ ] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [ ] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi James
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON, CA 94583

MAILED

DEC 09 2010

OFFICE OF PETITIONS

In re Application: :  
Hasnain et al. :  
Application No. 12/393,910 :  
Filed: February 26, 2009 :  
Attorney Docket No. 54913 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission filed on October 22, 2010, 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.

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

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.
12/393,944 02/26/2009 Chih-Yen Lin 10125501 1659

7590 04/22/2011
QUINTERO LAW OFFICE, PC
615 Hampton Dr, Suite A202
Venice, CA 90291

EXAMINER

LEE, CYNTHIA K

ART UNIT PAPER NUMBER

1726

NOTIFICATION DATE DELIVERY MODE

04/22/2011

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 Nomi Ferrer

Patent Publication Branch
Office of Data Management

**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:	12/393,950	Filing date:	February 26, 2009
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First Named Inventor:	Nadim Y. Abdo
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Title of the Invention:	RDP BITMAP HASH ACCELERATION USING SIMD INSTRUCTIONS
-------------------------	--

**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/US10/23256

**The international filing date of the corresponding PCT application(s) is/are:** February 5, 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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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/393,950	02/26/2009	Nadim Y. Abdo	MVIR-0531/325950.01	1669
41505	7590	05/13/2011	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			AHMED, SAMIR ANWAR	
			ART UNIT	PAPER NUMBER
			2624	
			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):

eofficemonitor@woodcock.com



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)  
CIRA CENTRE, 12TH FLOOR  
2929 ARCH STREET  
PHILADELPHIA PA 19104-2891

In re Application of :  
ABDO, NADIM Y. et al. :  
Application No. 12/393,950 :  
Filed: February 26, 2009 :  
Att. Docket No. **MVIR-0531/325950.01** :  
: **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 (PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 28, 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 comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

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

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

/Doris To/

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Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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MCCARTER & ENGLISH, LLP  
265 FRANKLIN ST.  
BOSTON MA 02110

**MAILED**

**AUG 27 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Forbes, et al.	:	
Application No. 12/393,979	:	<b>DECISION</b>
Filed: 26 February, 2009	:	
Attorney Docket No: 81305(47381)	:	

This is a decision on the petition filed on 28 June, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition under 37 C.F.R. §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)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Allegations  
of Unintentional Delay

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

*It appears that Petitioner has not satisfied the requirements pursuant to the regulations at 37 C.F.R. §1.137(b).*

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

BACKGROUND

Application No. 12/393,979

The record reflects as follows:

The Applicant failed to reply timely and properly to the Notice to File Missing Parts mailed on 12 March, 2009, with reply due absent extension of time on or before 12 May, 2009.

On 14 August, 2009, Petitioner filed a partial reply with request and fee for extension of time, and on 28 August, 2009, the Office mailed a Notice of Incomplete Reply with the reply period as previously set forth.

The application went abandoned by operation of law after midnight 12 September, 2009.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 28 June, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b)—while the papers say that a fee was transmitted with the petition there appears no fee of record—a reply in the form of a substitute specification, and Petitioner made a statement of unintentional delay—notably the application now stands abandoned more than eleven months.

*At this writing the requirements under the Rule have not been satisfied.*

*The deficiency must be overcome on any renewed petition.*

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.<sup>1</sup>

### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

---

<sup>1</sup> 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).

Application No. 12/393,979

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>2,3</sup>

As to Allegations of  
Unintentional Delay

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

It appears that the requirements under the rule have not been satisfied.

CONCLUSION

The instant petition under 37 C.F.R. §1.137(b) is **dismissed**.

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

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

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

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

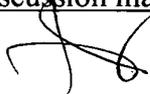
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<sup>2</sup> See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

<sup>3</sup> The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

Application No. 12/393,979

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

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<sup>4</sup> 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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Alexandria, VA 22313-1450  
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MCCARTER & ENGLISH, LLP  
265 FRANKLIN ST.  
BOSTON MA 02110

**MAILED**

**JAN 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Forbes, et al. :  
Application No. 12/393,979 :  
Filed: 26 February, 2009 :  
Attorney Docket No: 81305(47381) :

**DECISION**

This is a decision on the petition filed on 17 September, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

**NOTE:**

The original petition was dismissed because Petitioner failed to pay or otherwise authorize the petition fee.

Petitioner responded that he had placed an authorization within his reply to the Office of Patent Application Processing (OPAP)—however, in the meantime Petitioner moved to another firm and the deposit account was no longer the same number.

Petitioner, as one registered to practice before the Office is aware that, pursuant to the Rules of Practice, all papers are separate papers (see: 37 C.F.R. §1.4) and that instructions for one area of the Office should not be buried within papers for another area of the Office.

Moreover, despite his narrative of changes and moves, it does not appear that Petitioner has since filed a general authorization for fees with the Office, such that that authorization might be acted upon by all areas. If it is Petitioner’s intent to so authorize the Office, Petitioner should so Notice the Office. (The Office will not seek to infer or fathom Petitioner’s intentions in the absence of proper Notice lest Petitioner should conclude that the Office has erred in doing so.)

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

Application No. 12/393,979

As to the Allegations  
of Unintentional Delay

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

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

BACKGROUND

The record reflects as follows:

The Applicant failed to reply timely and properly to the Notice to File Missing Parts mailed on 12 March, 2009, with reply due absent extension of time on or before 12 May, 2009.

On 14 August, 2009, Petitioner filed a partial reply with request and fee for extension of time, and on 28 August, 2009, the Office mailed a Notice of Incomplete Reply with the reply period as previously set forth.

The application went abandoned by operation of law after midnight 12 September, 2009.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 28 June, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b)—while the papers stated that a fee was transmitted with the petition there appears no fee of record— included were a reply in the form of a substitute specification, and Petitioner made a statement of unintentional delay—notably the application stood abandoned more than eleven months.

On 17 September, 2010, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.137(b), with fee authorization (now charged), and pointed to the reply and statement of unintentional delay previously submitted.

The record (including the petition filed on 28 June, 2010, and 17 September, 2010) does not necessitate a finding that the delay between midnight 12 September, 2009 (the date of abandonment), and 17 September, 2010 (the date of the filing of grantable petition), was not unintentional.

Application No. 12/393,979

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Agent Jonathan M. Sparks (Reg. No. 53,624) when accepting Petitioners' representation that the delay in filing the response was unintentional.<sup>1</sup>

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.<sup>2</sup>

#### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>3</sup> The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.<sup>4</sup>))

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<sup>1</sup> See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. '10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. '1.137(b) to the Patent and Trademark Office).

<sup>2</sup> 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).

<sup>3</sup> 35 U.S.C. §133 provides:

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

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

<sup>4</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 12/393,979

As to Allegations of  
Unintentional Delay

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

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

CONCLUSION

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>5</sup>) 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

---

<sup>5</sup> 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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Hovey Williams LLP  
10801 Mastin Blvd., Suite 1000  
Overland Park KS 66210

**MAILED**  
**OCT 12 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
DISPENSA, STEVE :  
Application No. 12/394,016 : DECISION GRANTING PETITION  
Filed: 02/26/2009 : UNDER 37 CFR 1.78(a)(6)  
Attorney Docket No. 43279-CIP1 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 5, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional applications set forth in the concurrently filed Application Data Sheet.

The petition is **GRANTED**.

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

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

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

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

The Office notes that the amendment, filed October 5, 2011, to add the reference to the prior-filed provisional applications in the first sentence of the specification following the title is not acceptable as drafted because 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 after the filing date of the application, the amendment would not be proper. When a benefit claim 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). *See* MPEP 201.06(c) and 608.04(b). Accordingly, applicants should file a new amendment removing the incorporation by reference statement.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2434 for consideration by the examiner of the claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional applications.

*C. T. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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: 12/394,016, 02/26/2009, 2434, 1220, 43279-CIP1, 20, 2

CONFIRMATION NO. 1784

CORRECTED FILING RECEIPT



\*OC000000050330011\*

23589
Hovey Williams LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

Date Mailed: 10/12/2011

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

Applicant(s)

Steve Dispensa, Leawood, KS;

Power of Attorney: The patent practitioners associated with Customer Number 23589

Domestic Priority data as claimed by applicant

This application is a CIP of 11/862,173 09/26/2007
which claims benefit of 60/866,068 11/16/2006
and claims benefit of 60/939,091 05/21/2007
This application 12/394,016
claims benefit of 61/031,768 02/27/2008

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: 03/09/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/394,016

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

ENHANCED MULTI FACTOR AUTHENTICATION

**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).



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**BOYLE FREDRICKSON S.C.**  
**840 North Plankinton Avenue**  
**MILWAUKEE WI 53203**

**MAILED**

**DEC 06 2010**

In re Application of :  
Ryan Grepper :  
Application No. 12/394,020 :  
Filed: February 26, 2009 :  
Attorney Docket No. 91.042 :

**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 November 12, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 David D. Stein on behalf of all attorneys/agents associated with customer number 23598. All attorneys/agents associated with customer number 23598 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: Ryan Grepper  
10250 NW Village Heights Drive  
Portland, OR 97229



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/394,020	02/26/2009	Ryan Grepper	91.042

23598  
BOYLE FREDRICKSON S.C.  
840 North Plankinton Avenue  
MILWAUKEE, WI 53203

**CONFIRMATION NO. 1798**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 12/06/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/12/2010.

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

/kainabinet/

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



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DICKSTEIN SHAPIRO LLP  
1633 Broadway  
NEW YORK, NY 10019

**MAILED**  
**DEC 16 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Akihiro Nomura, et al. :  
Application No. 12/394,113 : DECISION GRANTING PETITION  
Filed: February 27, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. M1071.2126 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 14, 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 3, 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.<sup>1</sup>*

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

This application is being referred to Technology Center AU 1784 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

<sup>1</sup> 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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SINORICA, LLC  
2275 Research Blvd.  
Suite 500  
ROCKVILLE MD 20850

In re Application of  
CHIU, YAN-JIE : NOV 17 2010  
Application No.: 12/394, 124 : DECISION ON  
Filing or 371(c) Date: February 27, 2009 : PETITION  
Attorney Docket Number: TW-AIP-0663 :

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on November 12, 2010.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed May 28, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on September 14, 2010.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

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.

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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In re Application of  
Terry O. Herndon

:  
:

Application No. 12394139

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: February 27, 2009

:

Attorney Docket No. 006232.00013

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 09-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)  
 Approved for use through 07/31/2012. OMB 0651-0031  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION                      UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	12394139	Confirmation Number	2010	Filing Date	2009-02-27
Attorney Docket Number (optional)	00623.00013	Art Unit	3735	Examiner	Marmor
First Named Inventor	Terry O. Herndon				
Title of Invention	Unitized Painless Blood Glucose Measuring Device				
<p><b>Attention: Office of Petitions</b>                      An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).</p> <p>APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.</p> <p>A grantable petition requires one of the following items:                      (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or                      (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.</p>					
<p><b>Name of Inventor who is 65 years of age, or older</b></p>					
Given Name	Middle Name	Family Name	Suffix		
Terry	O.	Herndon			
<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	/Ernest V. Linek/		Date (YYYY-MM-DD)	2011-05-09	
Name	Ernest V. Linek		Registration Number	29822	

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

In re Application of

Crowe

Application No. 12/394,161

Filed: February 27, 2009

Attorney Docket No. **2006777-0008**

**MAILED**

**JAN 04 2012**

**OFFICE OF PETITIONS**

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), December 19, 2011, to revive the above-identified application.

The petition is **granted**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed May 12, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. Accordingly, the application became abandoned on August 13, 2011. A Notice of Abandonment was mailed December 23, 2011.

The continuation application 13/292,246, filed November 9, 2011, is noted. Continuity between the subject application and the continuing application having been established, the subject application is again abandoned in favor of the continuing application.

The request for the extension of time within the third month filed December 19, 2011, is noted but cannot be granted as the request was made outside the maximum statutory period for reply to the non-final Office action. The amount of \$1,270.00 will be refunded, in due course.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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MATTHEW E. BURR  
620 CONGRESS AVENUE  
STE 320  
AUSTIN TX 78701

**MAILED**

**FEB 10 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Maureen D. Falwell :  
Application No. 12/394188 :  
Filing or 371(c) Date: 02/27/2009 :  
Attorney Docket Number: :  
20196 : ON PETITION

This is a decision on the "Petition to Withdraw Notice of Abandonment Under 37 CFR §1.181," filed October 28, 2010.

This Petition is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due (Notice), mailed June 30, 2010. The Notice set a non-extendable three (3) month period for reply. No complete and proper response having been received, the application became abandoned on October 1, 2010. A Notice of Abandonment was mailed October 13, 2010.

Applicant's Assertion

Applicant files the present petition and asserts that the issue fee was successfully submitted on time. Applicant contends that the application is not abandoned because a reply was filed. In support of this assertion, applicant files a copy of an Electronic Acknowledgment Receipt, and a copy of an Electronic Filing System ("EFS") Credit Card pre-payment confirmation page. Applicant provides that the credit card information was properly completed, and the "charge" button was clicked, and if an error had occurred, the EFS would generate an alert that would allow applicant to correct the information and resubmit the payment. Applicant further provides that only after payment is made does the EFS generate the Electronic Acknowledgment Receipt. In this instance, applicant notes, the

EFS generated the Electronic Acknowledgment Receipt, which was interpreted by applicant to mean that the payment was successful. Applicant notes that the Electronic Acknowledgment Receipt, dated August 18, 2010, indicates “no” in the entry for “submitted with payment,” but applicant also notes that by reading down the page vertically instead of horizontally across the page could be interpreted to mean that the payment was successful.

Applicant asserts that the possibility exists that the payment failure was a result of an error in the Office’s EFS system, and the petition to withdraw the holding of abandonment is therefore appropriate.

Applicant also provides as a further consideration the prejudice that would accrue if the petition is denied including the loss of applicant’s priority date and the likely prevention of applicant ever obtaining a patent on the current claims.

### Analysis

A review of the Office’s EFS records reveal no irregularity with the EFS system on August 18, 2010. A further review of office records confirms that the issue and publication fees were not filed in this Office prior to the date of abandonment of the present application.

Regarding the petition, initially it is noted that the petition is executed by applicant’s attorney, Matthew E. Burr; however, the petition provides that the applicant is the person who attempted the issue fee payment. (“...the applicant made her timely submission of the issue fee via EFS on August 18, 2010.” Petition at p.2.) (Emphasis added). The petition provides several instances of the past experience of the applicant’s attorney when providing credit card payments via the EFS; however, the petition does not provide any information as to the experience of the applicant with submitting credit card payments to this Office. The petition further indicates that the applicant and the applicant’s attorney failed to notice that the “Payment information” on the Electronic Acknowledgment Receipt indicated “no” in the entry for submitted with payment. Petitioner should clarify who attempted the issue fee payment and whether the applicant and the applicant’s attorney were together when the payment was submitted, and both failed to notice that the “Payment information” on the Electronic Acknowledgment Receipt indicated “no” in the entry for submitted with payment at the same time, or whether the applicant attempted payment and the applicant’s attorney was subsequently presented with the Electronic Acknowledgment Receipt and Credit Card pre-payment confirmation page. The petition provides both that the applicant submitted the payment of the issue fee, and also provides the attorneys experience with the EFS credit card payment submission, and conflates the applicant’s attempted payment using the EFS credit card payment system with the attorney’s experience with the EFS credit card payment system. Petitioner should clarify whether the person attempting the payment was experienced with using the Office’s EFS system for submission of a credit card payment.

Further to this, regarding applicant’s assertion that the form is misleading, a review of the myriad entries on the form would lead one to conclude that the form is properly interpreted by reading across the page. The argument is unpersuasive.

Finally, regarding applicant’s assertion of the prejudice that would accrue if the petition is denied including the loss of applicant’s priority date and the likely prevention of applicant ever obtaining a patent on the current claims, applicant is advised that an alternate venue exists for revival of the application as discussed infra.

Conclusion

Applicant has failed to demonstrate the timely payment of the issue and publication fees. The petition is dismissed.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in was “unavoidable.” An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

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

By mail:                    Director for Patents  
                                 PO Box 1450  
                                 Alexandria, VA 22313-1450

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

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

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

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



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MATTHEW E. BURR  
620 CONGRESS AVENUE  
STE 320  
AUSTIN TX 78701

**MAILED**  
**APR 21 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Maureen D. Falwell :  
Application No. 12/394188 :  
Filing or 371(c) Date: 02/27/2009 :  
Attorney Docket Number: :  
20196 : **ON PETITION**

This is a decision on the "Renewed Petition to Withdraw Notice of Abandonment Under 37 CFR §1.181," filed April 4, 2011.

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.

*After a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.* Therefore, it is extremely important that petitioner supply **any** and **all** relevant information and documentation with his request for reconsideration. The Director's decision will be based solely on the administrative record in existence.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due (Notice), mailed June 30, 2010. The Notice set a non-extendable three (3) month period for reply. No complete and proper response having been received, the application became abandoned on October 1, 2010. A Notice of Abandonment was mailed October 13, 2010.

The October 28, 2010 petition

Applicant filed a petition to withdraw the holding of abandonment on October 28, 2010, wherein Applicant asserted that the issue fee was successfully submitted on time. Applicant's contention was

that the application was not abandoned because a reply was filed. In support of this assertion, applicant filed a copy of an Electronic Acknowledgment Receipt, and a copy of an Electronic Filing System ("EFS") Credit Card pre-payment confirmation page. Applicant provided that the credit card information was properly completed, and the "charge" button was clicked, and if an error had occurred, the EFS would have generated an alert that would allow applicant to correct the information and resubmit the payment. Applicant further provided that only after payment is made does the EFS generate the Electronic Acknowledgment Receipt. In this instance, applicant noted, the EFS generated the Electronic Acknowledgment Receipt, which was interpreted by applicant to mean that the payment was successful. Applicant noted that the Electronic Acknowledgment Receipt, dated August 18, 2010, indicated "no" in the entry for "submitted with payment," but applicant also noted that by reading down the page vertically instead of horizontally across the page, one could interpret the Electronic Acknowledgment Receipt to mean that the payment was successful.

Applicant asserted that the possibility exists that the payment failure was a result of an error in the Office's EFS system, and the petition to withdraw the holding of abandonment was therefore appropriate.

Applicant also provided as a further consideration the prejudice that would accrue if the petition was denied including the loss of applicant's priority date and the likely prevention of applicant ever obtaining a patent on the current claims.

#### The February 10, 2011 Decision on petition

A decision dismissing the petition was mailed on February 10, 2011. The Decision noted that a review of the Office's EFS records revealed no irregularity with the EFS system on August 18, 2010, and that Office records confirmed that the issue and publication fees were not filed in this Office prior to the date of abandonment of the application.

Regarding the petition, initially it was noted that the petition was executed by applicant's attorney, Matthew E. Burr; however, the petition provided that the applicant was the person who attempted the issue fee payment. ("...the applicant made her timely submission of the issue fee via EFS on August 18, 2010." Petition at p.2.) (Emphasis added). The petition provided several instances of the past experience of the applicant's attorney when providing credit card payments via the EFS; however, the petition did not provide any information as to the experience of the applicant with submitting credit card payments to this Office. The petition further indicated that the applicant and the applicant's attorney failed to notice that the "Payment information" on the Electronic Acknowledgment Receipt indicated "no" in the entry for submitted with payment. Petitioner was asked to clarify who attempted the issue fee payment and whether the applicant and the applicant's attorney were together when the payment was submitted, and both failed to notice that the "Payment information" on the Electronic Acknowledgment Receipt indicated "no" in the entry for submitted with payment at the same time, or whether the applicant attempted payment and the applicant's attorney was subsequently presented with the Electronic Acknowledgment Receipt and Credit Card pre-payment confirmation page. The petition provided both that the applicant submitted the payment of the issue fee, and also provided the attorneys experience with the EFS credit card payment submission, and conflates the applicant's attempted payment using the EFS credit card payment system with the attorney's experience with the EFS credit card payment system. Petitioner was therefore asked to clarify whether the person attempting the payment was experienced with using the Office's EFS system for submission of a credit card payment.

Further to this, regarding applicant's assertion that the form is misleading, the petition noted that a review of the myriad entries on the form would lead one to conclude that the form is properly interpreted by reading across the page.

Finally, regarding applicant's assertion of the prejudice that would accrue if the petition was denied, including the loss of applicant's priority date and the likely prevention of applicant ever obtaining a patent on the current claims, applicant was advised that an alternate venue exists for revival of the application, and strongly urged applicant file a petition to revive the application under 37 CFR 1.137(b).

#### The present renewed petition

Applicant files the present renewed petition and clarifies that it was applicant's attorney of record, Mr. Burr alone who attempted to pay the Fees. Applicant avers that "the crux of the matter is whether something went wrong in the payment of the Fees that is in the power of this Office to correct." Renewed Petition at p.2. Petitioner respectfully submits that there is sufficient fault on the part of this Office to justify withdrawal of the abandonment of the application. Id.

Applicant provides that the attorney of record, Mr. Burr, completed the transaction (payment of the fees) "by clicking 'Yes, charge this credit card now' virtual button," therefore there existed a glitch in the payment software which aborted the payment. Id., at p.3. The error on the part of this Office, Applicant asseverates, is the lack of adequate notification to the filer that the payment failed.

In this instance, Applicant, referring to the copy of the "Pay Fees by Credit Card" page of the Electronic Filing System, alleges that the fact that a filing receipt exists for the documents submitted with the attempted payment of the fees proves that Mr. Burr authorized the credit card payment. Petitioner notes that the payment did not work, but that there was no alert provided by the EFS that the payment did not work. The notification in the Electronic Filing Receipt was not prominent enough to catch the attention of Mr. Burr. Moreover, notification in not equivalent to an alert. Applicant argues that Mr. Burr authorized payment of the Fees, and the fact that the EFS did not process the authorized payment – when there was no defect in the credit card information to warrant refusal of the payment, is the fault of this Office.

Petitioner concludes that Mr. Burr performed all the acts necessary to pay the Fees without any error, and that it is the fault of this Office for Applicants failed initial attempt to pay the Fees.

#### Analysis

It is again noted that the Office's EFS records revealed no irregularity with the EFS system on August 18, 2010, and that Office records confirmed that the issue and publication fees were not filed in this Office prior to the date of abandonment of the application. Further to this, and as acknowledged by Applicant, the Electronic Acknowledgment Receipt clearly indicated that the Fees were not submitted. Applicant noted that the EFS generated the Electronic Acknowledgment Receipt, which was incorrectly interpreted by applicant to mean that the payment was successful. Moreover, Applicant noted that by reading down the page vertically instead of horizontally across the page, one could interpret the Electronic Acknowledgment Receipt to mean that the payment was successful. The error in interpreting the Electronic Acknowledgment Receipt; the assertion that by reading down the page vertically instead of horizontally across the page, one could interpret the Electronic Acknowledgment Receipt to mean that the payment was successful; the fact that the Office's EFS

records revealed no irregularity with the EFS system on August 18, 2010, and the fact that Office records confirmed that the issue and publication fees were not filed in this Office prior to the date of abandonment of the application, could lead to a conclusion that Applicant erred in submitting the Fees.

Conclusion

Applicant has failed to demonstrate by a preponderance of the evidence that there was an error on the part of this Office that resulted in the failure of this Office to receive the issue and publication fees prior to the date of abandonment of the application.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in was “unavoidable.” An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

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

By mail: Director for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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

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

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

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions





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

**MAILED**

**APR 16 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Katsumi Kaneko, et al. :  
Application No. 12/394,235 : DECISION GRANTING PETITION  
Filed: February 27, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 450100-05167.1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 13, 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 April 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.<sup>1</sup>***

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

This application is being referred to Technology Center AU 2622 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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



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Alexandria, VA 22313-1450  
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SEAN KAUFHOLD  
P.O. BOX 89626  
SIOUX FALLS SD 57109

**MAILED**  
DEC 07 2010  
OFFICE OF PETITIONS

In re Application of :  
Gregory G. KILEB :  
Application No. 12/394,266 : DECISION ON PETITION  
Filed: February 27, 2009 :  
Attorney Docket No. SK08192 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2010, 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 October 8, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 8, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 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 payment of the issue fee of \$755; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to 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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MARK D. SARALINO (PAN)  
RENNER, OTTO, BOISSELLE & SKLAR, LLP  
1621 EUCLID AVENUE  
19<sup>TH</sup> FLOOR  
CLEVELAND OH 44115

**MAILED**  
JUL 18 2011  
OFFICE OF PETITIONS

In re Application of :  
Harumitsu Miyashita et al :  
Application No. 12/394,281 : DECISION GRANTING PETITION  
Filed: February 27, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. OKUDP0336US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 15, 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 25, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2627 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

<sup>1</sup> 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 KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/394,283	Filing date:	02/27/2009
First Named Inventor:	Glenn M. Garrison et al.		
Title of the invention:	Air Riding Seal		
<p><b>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 <a href="http://www.uspto.gov/ebc/efs_help.html">HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML</a></b></p>			
<p><b>APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.</b></p>			
<p>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.</p>			
<p>The corresponding PCT application number(s) is/are: PCT/US2010/025220</p>			
<p>The international date of the corresponding PCT application(s) is/are: February 24, 2010</p>			
<p><b>I. List of Required Documents:</b></p>			
<p>a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</p>			
<p><input type="checkbox"/> is attached.</p>			
<p><input checked="" type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.</p>			
<p>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).</p>			
<p><input checked="" type="checkbox"/> is attached.</p>			
<p><input type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.</p>			
<p>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.</p>			



1 CLAIMS

2 What is claimed is:

3 1. An air-riding seal system comprising:

4 (a) a primary seal assembly movable between a seal runner extending from a  
5 rotatable shaft and a housing structure, said primary seal assembly including:

6 (i) an annular seal ring having a cross section that is substantially L-  
7 shaped and a surface with a step face and a circumferential dam, said  
8 surface disposed opposite of a sealing surface along said seal runner;  
9 and

10 (ii) an arcuate support arm attached at one end to said annular seal ring  
11 and having a tooth at one end adjacent to an outermost circumferential  
12 surface along said seal runner, said tooth and said outermost  
13 circumferential surface separated by a gap;

14 (b) a secondary seal ring disposed between and contacting said primary seal  
15 assembly and said housing structure so as to form a bore seal and a face seal  
16 therewith; and

17 (c) a structure along said surface which increases the stiffness of a thin film  
18 between said surface and said sealing surface, said structure having a plurality  
19 of radial dams disposed along said surface in an outward radial arrangement  
20 with respect to said circumferential dam.

21 2. The air-riding seal system of claim 1, wherein said outermost circumferential  
22 surface along said seal runner has a notch that varies said gap depending on the  
23 relative position between said primary seal assembly and said seal runner.

24 3. The air-riding seal system of claim 1, wherein said arcuate support arm and/or said  
25 tooth is sufficiently stiff to minimize vibrations along said primary seal assembly.

26 4. The air-riding seal of claim 1, wherein said annular seal ring and said arcuate  
27 support arm are composed of a ceramic composition.

28 5. The air-riding seal system of claim 4, wherein said ceramic composition is silicon  
29 nitride.

30 6. An air-riding seal system comprising:

31 (a) a cylindrical-shaped carrier attached to a housing structure and disposed  
32 about a rotatable shaft with a seal runner extending therefrom;

33 (b) a primary seal assembly including at least two arcuate seal segments which  
34 form a ring-shaped seal, each said arcuate seal segment being separately

1           movable between said seal runner and said housing structure, each said arcuate  
2           seal segment having a cross section that is substantially L-shaped and a  
3           surface with a step face and an arcuate dam, said surface disposed opposite of  
4           a sealing surface along said seal runner, each said arcuate seal segment having  
5           an arcuate support arm disposed at one end thereof and having a tooth  
6           disposed at another end adjacent to an outermost circumferential surface along  
7           said seal runner, each said tooth and said outermost circumferential surface  
8           separated by a gap;  
9           (c) a secondary seal ring disposed between and contacting each said primary  
10          seal assembly and said housing structure so as to form a bore seal and a face  
11          seal therewith; and  
12          (d) a structure along each said surface of each said primary seal assembly  
13          which increases the stiffness of a thin film between each said surface and said  
14          sealing surface, said structure having at least two radial dams disposed along  
15          said surface in an outward radial arrangement with respect to said arcuate  
16          dam.

17   7. The air-riding seal system of claim 6, wherein said outermost circumferential  
18   surface along said seal runner has a notch that varies each said gap depending on the  
19   relative position between each said arcuate seal segment and said seal runner.

20   8. The air-riding seal system of claim 6, wherein said arcuate support arm and/or said  
21   tooth is sufficiently stiff to minimize vibrations along each said secondary seal  
22   assembly.

23   9. The air-riding seal system of claim 6, wherein each said annular seal ring and said  
24   arcuate support arm are composed of a ceramic composition.

25   10. The air-riding seal system of claim 9, wherein said ceramic composition is silicon  
26   nitride.

27   11. A gas turbine engine having at least one air-riding seal system of claim 1.

28   12. The gas turbine engine of claim 11, wherein said air-riding seal system provides a  
29   thin film adjacent to a rotating component, said thin film being sufficiently stiff to  
30   prevent contact between said air-riding seal system and said rotating component when  
31   operational conditions within said gas turbine engine include temperatures up to  
32   approximately 1500° Fahrenheit and rotational speeds up to approximately 1500 feet-  
33   per-second.

- 1 13. The gas turbine engine of claim 11, wherein said air-riding seal system provides a  
2 thin film adjacent to a rotating component having a notch that varies air flow  
3 depending on the relative position between said air-riding seal system and said  
4 rotating component.
- 5 14. A gas turbine engine having at least one air-riding seal system of claim 6.
- 6 15. The gas turbine engine of claim 14, wherein said air-riding seal system provides a  
7 thin film adjacent to a rotating component, said thin film being sufficiently stiff to  
8 prevent contact between said air-riding seal system and said rotating component when  
9 operational conditions within said gas turbine engine include temperatures up to  
10 approximately 1500° Fahrenheit and rotational speeds up to approximately 1500 feet-  
11 per-second.
- 12 16. The gas turbine engine of claim 14, wherein said air-riding seal system provides a  
13 thin film adjacent to a rotating component having a notch that varies air flow  
14 depending on the relative position between said air-riding seal system and said  
15 rotating component.
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/394,283	02/27/2009	Glenn M. Garrison	SE200907NP	2275
90850	7590	01/06/2011	EXAMINER	
Law Offices of Michael Crilly 104 South York Road Hatboro, PA 19040			PATEL, VISHAL A	
			ART UNIT	PAPER NUMBER
			3676	
			MAIL DATE	DELIVERY MODE
			01/06/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

JAN - 6 2011

Law Offices of Michael Crilly  
104 South York Road  
Hatboro PA 19040

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re application of  
Garrison et al.  
Application No. 12/394,283  
Filed: February 27, 2009  
For: AIR RIDING SEAL

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 16, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of November 16, 2010, 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: 01/05/11

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 11/09/11  
TO SPE OF : ART UNIT 3676  
SUBJECT : Request for Certificate of Correction for Appl. No.: 12394283 Patent No.: 7938402

Co/C mailroom date: 11/03/11

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

**Public Hearing Process SPE Form 571-272-3421**

Note: Should the changes in the claims be approved?

*Lamonte Newsome*

Certificates of Correction Branch

571-272-3421**Thank You For Your Assistance****The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes do not apply.

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



3676

SPE

Art Unit



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : March 23, 2012

In re Application of :

Joze Pececnik

Application No : 12394380

Filed : 27-Feb-2009

Attorney Docket No : 211,157

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed March 23, 2012

The request is **APPROVED**

The request was signed by J. David Dainow (registration no. 22959 ) on behalf of all attorneys/agents associated with Customer Number 38137 . All attorneys/agents associated with Customer Number 38137 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 38137 .

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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12394380	
Filing Date	27-Feb-2009	
First Named Inventor	Joze Pececnik	
Art Unit	2823	
Examiner Name	JULIO MALDONADO	
Attorney Docket Number	211,157	
Title	GAMING SYSTEM AND GAME CONTROLLER	
<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:		38137 _____
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:		38137 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/J. David Dainow/	
Name	J. David Dainow	
Registration Number	22959	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Melvin A. Barbera

:  
:

Application No. 12394413

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: February 27, 2009

:

Attorney Docket No. 300046-00002C

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 25-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)  
Approved for use through 07/31/2012. OMB 0651- 0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

<b>PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)</b>					
<b>Application Information</b>					
Application Number	12394413	Confirmation Number	2509	Filing Date	2009-02-27
Attorney Docket Number (optional)	300046-00002C	Art Unit	2618	Examiner	Vuong, Quochien B
First Named Inventor	Melvin A. Barbera				
Title of Invention	Safety Features for Portable Electronic Device				
<p><b>Attention: Office of Petitions</b> 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>					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Melvin	A.	Barbera			
<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	/Timothy D. Casey/		Date (YYYY-MM-DD)	2011-10-25	
Name	Timothy D. Casey		Registration Number	33124	

## 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.

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12394448
Filing Date	27-Feb-2009
First Named Inventor	Ashish Dubey
Art Unit	1763
Examiner Name	JOHN USELDING
Attorney Docket Number	8448.038.US0001
Title	SELF-LEVELING CEMENTITIOUS COMPOSITION WITH CONTROLLED RATE OF STRENGTH DEVELOPMENT AND ULTRA-HIGH COMPRESSIVE STRENGTH UPON HARDENING AND ARTICLES MADE FROM SAME

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
  - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
  - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
  - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

**Petition Fee**

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that:
- The RCE request, submission, and fee have already been filed in the above-identified application on 2011.05.18
  - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/anthony p venturino/
Name	Anthony P. Venturino
Registration Number	31674



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 18,2011

In re Application of :

Ashish Dubey

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12394448

Filed : 27-Feb-2009

Attorney Docket No : 8448.038.US0001

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 18,2011 , 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 1763 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

GE ENERGY GENERAL ELECTRIC  
C/O ERNEST G. CUSICK  
ONE RIVER ROAD, BLD. 43, ROOM 225  
SCHENECTADY NY 12345

**MAILED**

MAR 23 2012

**OFFICE OF PETITIONS**

In re Application of :  
Pal et al. :  
Application No. 12/394486 : **ON PETITION**  
Filing or 371(c) Date: 02/27/2009 :  
Attorney Docket Number: 234666 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed February 9, 2012.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed August 23, 2011. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on November 24, 2011. A Notice of Abandonment was mailed December 7, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment<sup>1</sup>; (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 Technology Center for entry of the Amendment, and thereafter to the Office of Data Management for processing into a patent.

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

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions

<sup>1</sup> The Examiner has indicated that the amendment is acceptable.



**REED SMITH, LLP  
ATTN: PATENT RECORDS DEPARTMENT  
599 LEXINGTON AVENUE, 29TH FLOOR  
NEW YORK NY 10022-7650**

**MAILED**

**MAY 23 2011**

**OFFICE OF PETITIONS**

In re Application of  
**SHIMIZU, Yoichiro**  
Application No. 12/394,545  
Filed: February 27, 2009  
Attorney Docket No. **135414-2148**

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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 April 12, 2011.

The request is **NOT APPROVED**.

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

37 CFR 3.71(c) states:

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

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

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

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



Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**VOLPE AND KOENIG, P.C.**  
**UNITED PLAZA**  
**30 SOUTH 17<sup>TH</sup> STREET**  
**PHILADELPHIA PA 19103**

**MAILED**  
**APR 25 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Haoyi Ye et al :  
Application No. 12/394,571 : **DECISION GRANTING PETITION**  
Filed: February 27, 2009 : **UNDER 37 CFR 1.313(c)(3)**  
Attorney Docket No. DEE-PT494 :

This is a decision on the petition under 37 CFR 1.313(c)(3), filed April 20, 2011 and supplemented on April 22, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment in favor of a continuing application under 37 CFR 1.53(b).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

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

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

McDermott Will & Emery  
600 13th Street, NW  
Washington DC 20005-3096

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application: :  
Athan Kuliopulos et al. :  
Application No. 12/394,715 :  
Filed: February 27, 2009 :  
Attorney Docket No. 086432-0022 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed July 28, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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

This file is being forwarded to the Technology Center 1647.

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

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/394,799 02/27/2009 Jia HE HW704519 3192
7590 08/06/2010
Leydig, Voit & Mayer, Ltd
EXAMINER TROST IV, WILLIAM GEORGE
ART UNIT 2472 PAPER NUMBER
NOTIFICATION DATE 08/06/2010 DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

RECEIVED IN OFFICE OF DATA MANAGEMENT
AUG 10 2010

**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:	12/394,852	Filing date:	February 27, 2009
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First Named Inventor:	Timothy S. Paek
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Title of the Invention:	PROTECTIVE SHROUD FOR HANDHELD DEVICE
-------------------------	---------------------------------------

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS\\_HELP.HTML](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/US10/23259

**The international filing date of the corresponding PCT application(s) is/are:** February 5, 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.:	12/394,852
First Named Inventor:	Timothy S. Paek

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

Is attached

Has already been filed in the above-identified U.S. application on March 10, 2011

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

Are attached.

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-9	1-9	Claims are identical except for numerical references that refer to the drawings in the PCT application
10		US Claim 10 is patentable because it is dependent upon claim 1, which the ISR has deemed patentable in corresponding PCT claim 1.
11	10	Claims are identical except for numerical references that refer to the drawings in the PCT application
12	11	Claims are identical except for numerical references that refer to the drawings in the PCT application
13	12	Claims are identical except for numerical references that refer to the drawings in the PCT application
14	13	Claims are identical except for numerical references that refer to the drawings in the PCT application
15	14	Claims are identical except for numerical references that refer to the drawings in the PCT application
16	15	Claims are identical except for numerical references that refer to the drawings in the PCT application
17		US Claim 17 is patentable because it is dependent upon claim 14, which the ISR has deemed patentable in corresponding PCT claim 13.
18		US Claim 18 is patentable because it is dependent upon claim 12, which the ISR has deemed patentable in corresponding PCT claim 11.
19		US Claim 19 is patentable because it is dependent upon claim 12, which the ISR has deemed patentable in corresponding PCT claim 11.
20	N/A	Claim canceled 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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/394,852	02/27/2009	Timothy S. Paek	326105.01	3288
69316	7590	05/25/2011	EXAMINER	
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052			TAN, VIBOL	
			ART UNIT	PAPER NUMBER
			2819	
			NOTIFICATION DATE	DELIVERY MODE
			05/25/2011	ELECTRONIC

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

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

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

vffiling@microsoft.com  
stevensp@microsoft.com  
ntovar@MICROSOFT.COM



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**MICROSOFT CORPORATION  
ONE MICROSOFT WAY  
REDMOND WA 98052**

**In re Application of  
PAEK et al.**

**Application No.: 12/394,852**

**Filed: 27 February 2009**

**Attorney Docket No.: 326105.01**

**For: PROTECTIVE SHROUD FOR  
HANDHELD DEVICE**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 28 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

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

if the latest international work product is not in the English language;

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

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

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

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

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/394,868	02/27/2009	Roy Matthew Burnstad	004159.003077 (SA577A)	3316

35979 7590 08/17/2011  
BRACEWELL & GIULIANI LLP  
P.O. BOX 61389  
HOUSTON, TX 77208-1389

EXAMINER
----------

KUNDU, SUJOY K

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
08/17/2011	ELECTRONIC

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

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

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

docketing@bglp.com



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BRACEWELL & GIULIANI LLP  
P.O. BOX 61389  
HOUSTON, TX 77208-1389

In re Application of :  
BURNSTAD ET AL. : DECISION ON PETITION  
Application No. 12/394,868 : TO ACCEPT COLOR  
Filed: February 27, 2009 : DRAWINGS  
Attorney Docket No. 004159.003077 (SA577A) :

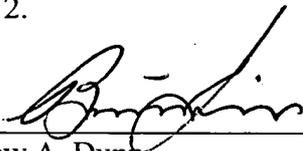
This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed on February 27, 2009 to permit color drawings for the above-identified application.

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 February 27, 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 Drew A. Dunn at 571-272-2312.

For   
\_\_\_\_\_  
Drew A. Dunn  
Supervisory Patent Examiner, Art Unit 2857  
Technology Center 2800



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SHOOK, HARDY & BACON LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
2555 GRAND BLVD  
KANSAS CITY MO 64108-2613

In re Patent No. 7,902,997

Issue Date: March 8, 2011

Application No. 12/394,964

Filed: February 27, 2009

Attorney Docket No. HNTB.147043

ON PETITION

This is a decision on the petition filed January 28, 2011, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **dismissed**.

The instant petition was filed January 28, 2011, after payment of the issue fee. It would have been inappropriate to make any changes to the record after payment of the issue fee. Thus, petitioner is only able to obtain correction to the assignee data by a request under 37 CFR 3.81(b). This request must be accompanied by a Certificate of Correction indicating the requested change to the assignee data. The petition filed January 28, 2011, was not accompanied by a Certificate of Correction and must be dismissed, accordingly.

The renewed petition must be accompanied by a Certificate of Correction setting forth the requested change to the assignee data.

The renewed request may directed to the following:

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

<sup>1</sup> See *Official Gazette* of June 22, 2004.

Questions regarding 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

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SHOOK, HARDY & BACON LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
2555 GRAND BLVD  
KANSAS CITY MO 64108-2613

In re Patent No. 7,902,997

Issue Date: March 8, 2011

Application No. 12/394,964

Filed: February 27, 2009

Attorney Docket No. HNTB.147043

**MAILED**

**MAR 08 2011**

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition filed January 28, 2011, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **dismissed**.

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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

<sup>1</sup> See *Official Gazette* of June 22, 2004.

Questions regarding this decision may be directed to the undersigned at (571)272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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**BARNES & THORNBURG LLP  
P.O. BOX 2786  
CHICAGO, IL 60690-2786**

**MAILED**

**AUG 16 2010**

**OFFICE OF PETITIONS**

In re Application of  
PAUL R. CHABRIA  
Application No. 12/395,030  
Filed: February 27, 2009  
Attorney Docket No. 7968

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

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

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 23644 has been revoked by the applicants of the patent application on July 21, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

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

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: **LAW OFFICES OF JOHN P. MCGONAGLE  
800 HINGHAM STREET - 2N  
ROCKLAND MA 02370**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/395,035	02/27/2009	Hiroyuki Tsuji	6639P634	3615

8791 7590 03/29/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER

SHALWALA, BIPIN H

ART UNIT	PAPER NUMBER
2629	

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.



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**MAIL**

**MAR 29 2011**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

In re Application of :  
TSUJI, HIROYUKI et al. :  
Application No. 12/395,035 :  
Filed: February 27, 2009 :  
Attorney Docket No. 6639P634 :  
: DECISION ON REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

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

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/395,161, 02/27/2009, Tsuyoshi Aoki, 090016, 3827

7590 08/17/2010
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

NGUYEN, HOA T

ART UNIT PAPER NUMBER

2627

NOTIFICATION DATE DELIVERY MODE

08/17/2010

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.

Handwritten signature of Tami Adams

Patent Publication Branch
Office of Data Management

Application No. 12/395,161
Filing Date 02/27/2009
Adjustment date: 08/16/2010
Credit Refund Total: \$54.00

Adjustment date: 08/16/2010
Credit Refund Total: \$54.00



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**YAHOO! INC.  
C/O FROMMER LAWRENCE & HAUG LLP  
745 FIFTH AVENUE  
NEW YORK, NY 10151**

**MAILED  
JAN 25 2011  
OFFICE OF PETITIONS**

In re Application of :  
Mgrdechian et al. :  
Application No. 12/395,174 : **DECISION ON PETITION**  
Filed: February 27, 2009 : **TO WITHDRAW FROM RECORD**  
Attorney Docket No. 1361032-2167.4 :  
:

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 23, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 John Wayne Branch, on behalf of all attorneys of record who are associated with Customer Number 38880.

All attorneys/agents associated with the Customer Number 38880 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

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



Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: YAHOO! INC. C/O GREENBERG TRAUIG, LLP  
MET LIFE BUILDING  
200 PARK AVENUE  
NEW YORK NY 10166



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

**MAILED**  
**JAN 25 2012**  
**OFFICE OF PETITIONS**

In re Application of Furusako et al. :  
Application No. 12/395,298 : Decision on Application  
Filing Date: February 27, 2009 : For Patent Term Adjustment  
Attorney Docket No. 1110-0327PUS2 :  
For: NOVEL SOLUBLE CD14 ANTIGEN :

This is a decision in response to "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)," filed January 9, 2012. The petition requests correction of the patent term adjustment from two hundred seventy-six (276) days to three hundred fifty-two (352) days.

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

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance as three hundred fifty-two (352) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 14, 2011, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicants were advised of a patent term adjustment to date of 276 days. In response, applicants timely filed the instant request for reconsideration of the patent term adjustment. Applicants submit the relevant dates as specified in 1.703(a) through (e) for which an adjustment is sought and requests that the patent term adjustment be corrected to 352 days. Applicants state that the patent issuing from the application is subject to a terminal disclaimer. Applicants assert that no circumstances exist within the prosecution of this application that may be considered as resulting in a failure to engage in reasonable efforts to conclude examination of the present application.

The application history has been reviewed and it has been determined that the initial patent term adjustment of 276 days is incorrect.

Applicants dispute the reduction of 76 days of PTA for Applicant delay in filing a supplemental response on September 28, 2011. Applicants state that the response was filed at the request of the examiner and, therefore, no reduction is warranted.

Applicants' argument is well-taken. A review of the record supports a conclusion that the terminal disclaimer filed September 28, 2011 was expressly requested by the examiner, within the meaning of 1.704(c)(8). Accordingly, no reduction is warranted.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is three hundred fifty-two (352) days.

Submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment shown on the patent (and in the Issue Notification mailed approximately three weeks prior to issuance) will include any additional patent term accrued pursuant to sections 1.702(a)(4) and 1.703(b).

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



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of Revised PAIR Screen

**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 12/395,298

Filing or 371(c) Date:	02-27-2009	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	352
A Delays:	352	PTO Manual Adjustments:	76
B Delays:	0	Applicant Delays:	76
C Delays:	0	Total PTA Adjustments:	352

**Patent Term Adjustment History Explanation Of Calculations**

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
66	01-13-2012	Adjustment of PTA Calculation by PTO	76		0
59	10-14-2011	Mail Notice of Allowance			0
58	10-10-2011	Office Action Review			0
57	10-10-2011	Office Action Review			0
56	10-10-2011	Office Action Review			0
54	10-04-2011	Office Action Review			0
53	10-04-2011	Office Action Review			0
52	10-04-2011	Issue Revision Completed			0
51	10-04-2011	Document Verification			0
50	10-04-2011	Notice of Allowance Data Verification Completed			0
49	10-04-2011	Office Action Review			0
48	10-04-2011	Office Action Review			0
47	10-03-2011	Interview Summary - Examiner Initiated			0
46	10-03-2011	Allowability Notice			0
45	09-30-2011	Date Forwarded to Examiner			0
44	09-28-2011	Supplemental Response		76	39
43	09-29-2011	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED			0
42	09-28-2011	Terminal Disclaimer Filed			0

40	08-10-2011	Date Forwarded to Examiner		0
39	07-14-2011	Response after Non-Final Action		0
37	04-14-2011	Electronic Review		0
36	04-14-2011	Email Notification		0
35	04-14-2011	Mail Non-Final Rejection	352	0.5
34	04-11-2011	Office Action Review		0
33	04-11-2011	Non-Final Rejection		0
32	02-27-2009	Information Disclosure Statement considered		0
31	09-25-2009	Information Disclosure Statement considered		0
30	05-12-2010	Information Disclosure Statement considered		0
25	05-12-2010	Reference capture on IDS		0
24	05-12-2010	Information Disclosure Statement (IDS) Filed		0
23	05-12-2010	Information Disclosure Statement (IDS) Filed		0
22	09-25-2009	Information Disclosure Statement (IDS) Filed		0
21	04-29-2009	Request for Foreign Priority (Priority Papers May Be Included)		0
20	04-29-2009	Request for Foreign Priority (Priority Papers May Be Included)		0
19	04-29-2009	Request for Foreign Priority (Priority Papers May Be Included)		0
18	02-27-2009	Information Disclosure Statement (IDS) Filed		0
17	09-25-2009	Information Disclosure Statement (IDS) Filed		0
16	08-14-2009	Email Notification		0
15	08-13-2009	PG-Pub Issue Notification		0
14	04-30-2009	Case Docketed to Examiner in GAU		0
13	04-30-2009	IFW TSS Processing by Tech Center Complete		0
12	02-27-2009	Reference capture on IDS		0
11	02-27-2009	Information Disclosure Statement (IDS) Filed		0

10	04-27-2009	Email Notification	0
9	04-24-2009	Application Dispatched from OIPE	0
8	04-27-2009	Filing Receipt	0
7	02-27-2009	Request from applicant for the USPTO to retrieve the Priority Document	0
6	02-27-2009	CRF Disk Has Been Received by Preexam / Group / PCT	0
5	03-19-2009	CRF Is Good Technically / Entered into Database	0
4	03-05-2009	Cleared by OIPE CSR	0
3	03-02-2009	IFW Scan & PACR Auto Security Review	0
2	02-27-2009	Information Disclosure Statement (IDS) Filed	0
1	02-27-2009	Initial Exam Team nn	0
0.5	02-27-2009	Filing date	0

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Close Window



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[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 13, 2012

In re Application of :

JONATHAN GREENWALD

Application No : 12395300

Filed : 27-Feb-2009

Attorney Docket No : 33939/21

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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12395300	
Filing Date	27-Feb-2009	
First Named Inventor	JONATHAN GREENWALD	
Art Unit	3733	
Examiner Name	SUMMER KOSTELNIK	
Attorney Docket Number	33939/21	
Title	FACET JOINT BROACHING INSTRUMENT, IMPLANT, AND ASSOCIATED 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	



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/395,399	02/27/2009	Keishi Shimizu	1924.83783	4276
7590 10/13/2010				
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606		EXAMINER NGUYEN, HOA T		
		ART UNIT	PAPER NUMBER	
		2627		
		MAIL DATE	DELIVERY MODE	
		10/13/2010	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.

*Nomi Barnes*  
Patent Publication Branch  
Office of Data Management

Adjustment date: 10/13/2010  
02/27/2009 1924.83783 08384788 072685 12395396  
02 FC:1111 540.00 CR



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LOCKE LORD BISSELL & LIDDELL LLP  
600 TRAVIS SUITE 2800  
HOUSTON TX 77002-3095

**MAILED**

**APR 09 2012**

**OFFICE OF PETITIONS**

In re Application of :  
James W. Dobson Jr., et al. :  
Application No. 12/395,406 :  
Filed: February 27, 2009 :  
Attorney Docket No. 0017706-004US :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 13, 2012.

The request is **NOT APPROVED**.

A review of the file record indicates that D. Brit Nelson or any attorney/agents associated with Customer Number 22904 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

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

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

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12395524	
Filing Date	27-Feb-2009	
First Named Inventor	Alexander Bakman	
Art Unit	2456	
Examiner Name	JIMMY TRAN	
Attorney Docket Number	099257-0106	
Title	Method, System and Apparatus for Managing, Modeling, Predicting, Allocating and Utilizing Resources and Bottlenecks in a Computer Network	
<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:		48329
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	VKERNEL CORPORATION	
Address	300 BRICKSTONE SQUARE SUITE 503	
City	ANDOVER	
State	MA	
Postal Code	01810	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/McKenna, Christopher/
Name	McKenna, Christopher
Registration Number	53302



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 18, 2012

In re Application of :

Alexander Bakman

Application No : 12395524

Filed : 27-Feb-2009

Attorney Docket No : 099257-0106

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 April 18, 2012

The request is **APPROVED**.

The request was signed by McKenna, Christopher (registration no. 53302 ) on behalf of all attorneys/agents associated with Customer Number 48329 . All attorneys/agents associated with Customer Number 48329 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 VKERNEL CORPORATION  
Name2  
Address 1 300 BRICKSTONE SQUARE  
Address 2 SUITE 503  
City ANDOVER  
State MA  
Postal Code 01810  
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



KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK NJ 07601

**MAILED**

DEC 30 2010

**OFFICE OF PETITIONS**

In re Application of  
Christian Rohlf  
Application No. 12/395,569  
Filed: February 27, 2009  
Attorney Docket No.: 2829-1-008PCT/CON

ON PETITION

This is a decision on the petition filed December 8, 2010 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed April 1, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested prior to the abandonment of the application, this application became abandoned July 2, 2010. The instant petition and this decision precede the mailing of the 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 a continuation application under 37 CFR 1.53(b); (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again

<sup>1</sup>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 Commissioner may require additional information where there is a question whether the delay was unintentional; and

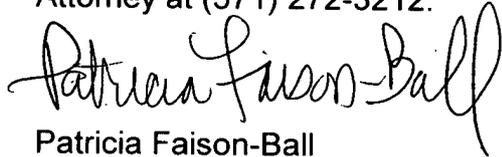
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

abandoned in favor of continuation application no.12/928,274 filed December 8, 2010, pursuant to the provisions of 37 CFR 1.53(b).

The petition fee in the amount of \$810 has been applied.

This matter is being referred to Technology Center 1642 for processing of the continuation application filed December 8, 2010.

Telephone inquiries concerning this matter 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 style with a large, looped initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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In re Application of  
William George

:  
:

Application No. 12395573

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: February 27, 2009

:

Attorney Docket No. 37898-10101

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 28-SEP-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.



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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Cislo & Thomas LLP  
1333 2nd Street  
Suite #500  
Santa Monica, CA 90401-4110

**MAILED**  
**JAN 19 2012**  
**OFFICE OF PETITIONS**

In re Patent of Patel et al. :  
Patent No. 8,014,430 :  
Issue Date: September 6, 2011 : Letter  
Application No. 12/395,576 :  
Filing Date: February 27, 2009 :  
Attorney Docket No. 09-22191 :

This is a letter in response to the request under 37 CFR 3.81 to accept the correction of the assignee data on the front page of the patent filed December 8, 2011.

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

Pursuant to 37 CFR 3.81(b), a request to have a patent corrected to add, or change, an assignee's name must:

1. State an assignment to the assignee was recorded before issuance of the patent,
2. Include a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a), and
3. Include the fee set forth in 37 CFR 1.17(i).

Patentees have met the requirements set forth above.

The Certificates of Correction Branch will be informed of the instant decision and will take the following actions:

1. Issue a certificate of correction including the corrected assignee data, and
2. Address the portion of the request for the certificate of correction seeking to change the order of inventors by either:
  - A. Issuing the certificate of correction with the requested change to the order of inventors, or
  - B. Issuing a letter denying the request for a certificate of correction to the extent the request seeks to change the order of inventors.

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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**BECKMAN c/o MORRISON & FOERSTER LLP**  
12531 High Bluff Drive  
Suite 100  
San Diego, CA 02130-2040

**MAILED**  
DEC 06 2010  
OFFICE OF PETITIONS

In re Application of :  
Dang M. Ngo, et al. :  
Application No. 12/395,590 : **DECISION ON PETITION**  
Filed: February 27, 2009 : **TO WITHDRAW**  
Attorney Docket No. 482022001800(07US0015) : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on November 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 below-listed address until otherwise notified by applicant.

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

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **M & G Beckman Coulter**  
**P.O. Box 2903**  
**Minneapolis, MN 55402**



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[www.uspto.gov](http://www.uspto.gov)

Decision Date : September 8,2011

In re Application of :

Gail Lebovic

Application No : 12395611

Filed : 27-Feb-2009

Attorney Docket No : 645232000100

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 Mika Mayer (registration no. 47777 ) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Customer Number 25226 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 VivaRay, Inc.  
Name2  
Address 1 3264 Alpine Rd  
Address 2  
City Portola Valley  
State CA  
Postal Code 94028  
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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12395611	
Filing Date	27-Feb-2009	
First Named Inventor	Gail Lebovic	
Art Unit	3735	
Examiner Name	CHARLES MARMOR II	
Attorney Docket Number	645232000100	
Title	SYSTEMS AND METHODS FOR DELIVERING RADIATION THERAPY	
<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:		25226
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	VivaRay, Inc.	
Address	3264 Alpine Rd	
City	Portola Valley	
State	CA	
Postal Code	94028	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Mika Mayer/
Name	Mika Mayer
Registration Number	47777



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[www.uspto.gov](http://www.uspto.gov)

Decision Date : September 8,2011

In re Application of :

Gail LEBOVIC

Application No : 12395622

Filed : 27-Feb-2009

Attorney Docket No : 645232000200

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 Mika Mayer (registration no. 47777 ) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Customer Number 25226 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 VivaRay, Inc.  
Name2  
Address 1 3264 Alpine Rd  
Address 2  
City Portola Valley  
State CA  
Postal Code 94028  
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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12395622	
Filing Date	27-Feb-2009	
First Named Inventor	Gail LEBOVIC	
Art Unit	3735	
Examiner Name	CHARLES MARMOR II	
Attorney Docket Number	645232000200	
Title	SYSTEMS AND METHODS FOR DELIVERING RADIATION THERAPY	
<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:		25226 <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	VivaRay, Inc.	
Address	3264 Alpine Rd	
City	Portola Valley	
State	CA	
Postal Code	94028	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Mika Mayer/
Name	Mika Mayer
Registration Number	47777



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Decision Date : September 8,2011

In re Application of :

Gail LEBOVIC

Application No : 12395625

Filed : 27-Feb-2009

Attorney Docket No : 645232000400

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 Mika Mayer (registration no. 47777 ) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Customer Number 25226 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 VivaRay, Inc.  
Name2  
Address 1 3264 Alpine Rd  
Address 2  
City Portola Valley  
State CA  
Postal Code 94028  
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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12395625	
Filing Date	27-Feb-2009	
First Named Inventor	Gail LEBOVIC	
Art Unit	3735	
Examiner Name	CHARLES MARMOR II	
Attorney Docket Number	645232000400	
Title	SYSTEMS AND METHODS FOR DELIVERING RADIATION THERAPY	
<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:		25226 <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	VivaRay, Inc.	
Address	3264 Alpine Rd	
City	Portola Valley	
State	CA	
Postal Code	94028	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Mika Mayer/
Name	Mika Mayer
Registration Number	47777



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

LAW OFFICE OF ROBERT E. KASODY,  
PROFESSIONAL CORPORATION  
6601 CENTER DRIVE WEST, SUITE #500  
LOS ANGELES CA 90045

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Lozito, John	:	DECISION ON PETITION
Application No. 12/395,626	:	TO WITHDRAW
Filed: February 28, 2009	:	FROM RECORD
Attorney Docket No. LOADRACK.001A	:	

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 8, 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 Robert E. Kasody on behalf of all attorneys/agents of record who are associated with Customer Number 70515. All attorneys/agents associated with Customer Number 70515 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 Lozito, at the address indicated below.

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

Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: JOHN LOZITO  
1360 NEPTUNE AVENUE  
ENCINITES CA 92024



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SCHLUMBERGER RESERVOIR  
COMPLETIONS  
10001 Richmond  
IP - Center of Excellence  
Houston TX 77042

In re Application of

Lemme, et al.

Application No. 12/395,752

Filed: March 2, 2009

Attorney Docket No. **68.0855**

**MAILED**  
**JAN 27 2012**  
**OFFICE OF PETITIONS**

DECISION ON PETITION

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the restriction/election requirement mailed May 4, 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 June 5, 2011. A Notice of Abandonment was mailed December 2, 2011.

The election filed December 21, 2011, is noted.

The application is being forwarded to Technology Center 3600, GAU 3672 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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12395766	
Filing Date	02-Mar-2009	
First Named Inventor	Doris Blake	
Art Unit	3732	
Examiner Name	JOHN WILSON	
Attorney Docket Number	33939/26	
Title	SYSTEMS AND METHODS FOR RETAINING A PLATE TO A SUBSTRATE WITH AN ASYNCHRONOUS THREAD FORM	
<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

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 13, 2012

In re Application of :

Doris Blake

Application No : 12395766

Filed : 02-Mar-2009

Attorney Docket No : 33939/26

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



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GIFFORD, KRASS, SPRINKLE  
ANDERSON & CITKOWSKI, P.C.  
P.O. BOX 7021  
TROY, MI 48007-7021

**MAILED**  
**JAN 17 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Yoshihito Moriya  
Application No.: 12/395,769  
Filed: March 2, 2009  
Attorney Docket No.: TMCT-12802/08  
For: CONTROL APPARATUS AND  
CONTROL METHOD FOR INTERNAL  
COMBUSTION ENGINE

:  
: 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 November 2, 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 Andrea Smith at (571) 272-3226. 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.

/Andrea Smith/  
Andrea Smith  
Petitions Examiner  
Office of Petitions

  
David Bucchi  
Petitions Examiner



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BARNES & THORNBURG LLP  
11 SOUTH MERIDIAN  
INDIANAPOLIS, IN 46204

**MAILED**

**AUG 17 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Holger Bose, et al. :  
Application No. 12/395,770 : DECISION ON PETITION  
Filed: March 2, 2009 :  
Attorney Docket No. 127-208165 :

This is a decision on the renewed petition, filed July 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 **GRANTED**.

On April 3, 2009, the Office mailed a Notice to File Missing Parts of Non-Provisional Application (Notice), which set a two month shortened statutory period to reply. A reply was received in the Office on April 27, 2009. On May 5, 2009 the Office mailed a Notice of Incomplete Reply (Non-Provisional) with a period of reply remaining from the Notice to File Missing Parts of Non-Provisional Application (Notice). The application became abandoned on June 4, 2009, for failure to submit a timely response to the April 3, 2009 Notice. On April 9, 2010, the Office mailed a Notice of Abandonment.

Petitioner asserts that the Office action dated July 8, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action 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 Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received 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. Accordingly, the application was not abandoned in fact.

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

Since petitioner has already satisfied the requirements listed in the Notice of Non-compliant Amendment by providing the required drawings, received May 1, 2009, this application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office Patent Application Papers at their hotline 571-272-4000.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 12/395,868, 03/02/2009, Laurence M.C. Lai, R029 12820.1 (7561-US), 5195
Row 2: 7590, 11/30/2010, WOMBLE CARLYLE SANDRIDGE & RICE, PLLC, ATTN: IP DOCKETING, P.O. BOX 7037, ATLANTA, GA 30357-0037, EXAMINER HOANG, TU BA
Row 3: ART UNIT 3742, PAPER NUMBER
Row 4: MAIL DATE 11/30/2010, 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.

Handwritten signature of Nomi Turner

Patent Publication Branch
Office of Data Management

Administrative stamp: RECEIVED, 03/02/2009, INTERSA, 02003945, 030328, 20090010



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RONALD E. GREIGG  
GREIGG & GREIGG P.L.L.C.  
1423 POWHATAN STREET, UNIT ONE  
ALEXANDRIA, VA 22314

**MAILED**

**SEP 27 2010**

In re Application of : **OFFICE OF PETITIONS**  
Dietmar Baumann, et al. :  
Application No. 12/395,917 : **ON PETITION**  
Filed: March 2, 2009 :  
Attorney Docket No. R.322381 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2010, to revive the above-identified application.

The 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 February 1, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is August 3, 2010.

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

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

This application is being referred to Technology Center AU 3657 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.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



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P.O. Box 1450  
Alexandria, VA 22313-1450  
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THE PROCTER & GAMBLE COMPANY  
Global Legal Department - IP  
Sycamore Building - 4th Floor  
299 East Sixth Street  
CINCINNATI OH 45202

**MAILED**  
**FEB 14 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Lepine et al. :  
Application No. 12/395924 :  
Filing or 371(c) Date: 03/02/2009 : **ON PETITION**  
Attorney Docket Number: :  
P202 :

This is a decision on the Petition under 37 CFR 1.137(b), filed January 13, 2012, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 6, 2011. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on September 7, 2011.

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

This application is being referred to Technology Center Art Unit 3736 for processing of the Amendment filed with the petition in due course.

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

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



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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.
Row 1: 12/395,967, 03/02/2009, Masatoshi MORI, 338959US26, 5381
Row 2: 7590, 08/30/2010, OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P., 1940 DUKE STREET, ALEXANDRIA, VA 22314
Row 3: EXAMINER, EDELL, JOSEPH F
Row 4: ART UNIT, PAPER NUMBER, 3636
Row 5: 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.

Handwritten signature: Nomi Farnes
Patent Publication Branch
Office of Data Management

08/30/2010 10:00:00 AM
08/30/2010 10:00:00 AM
08/30/2010 10:00:00 AM

RECEIVED (Date: 08/30/2010)
08/30/2010 10:00:00 AM
08/30/2010 10:00:00 AM



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

**MAILED**

**SEP 01 2010**

In re Application of :  
Chua et al. :  
Application No. 12/396,084 :  
Filed: March 2, 2009 :  
Attorney Docket No. CYLE-045/02US :  
039955-2304 :

**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 August 3, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 25225 was revoked by the assignee of the patent application on August 6, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will 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  
Petitions Examiner  
Office of Petitions

cc: COOLEY LLP  
ATTN: PATENT GROUP  
SUITE 1100  
777 - 6TH STREET, NW  
WASHINGTON DC 20001



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**MAILED**  
**DEC 09 2011**  
**OFFICE OF PETITIONS**

ELI LILLY & COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS IN 46206-6288

In re Application of :  
Dally et al. : DECISION ON APPLICATION  
Application No. 12/396,103 : FOR PATENT TERM ADJUSTMENT  
Filed: March 2, 2009 :  
Docket No. X17610A :

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. 1.705), filed November 30, 2011. The petition will be treated under 37 CFR 1.705(b). Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 267 days to 308 days.

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

On September 2, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 267 days. On November 30, 2011, applicants timely submitted the instant application for patent term adjustment.<sup>1</sup>

Applicants assert there should be a 41 day adjustment entered in connection with the mailing of the Notice of Allowance on September 2, 2011. Applicants assert there was Office delay, pursuant to 37 CFR 1.702(a)(2).

The Office concurs.

---

<sup>1</sup> Office finance records indicate that the issue fee payment was received on December 2, 2011.

37 CFR 1.702(a) provides, in pertinent part, that grounds for adjustment of patent term due to examination delay include failure of the Office to

- (2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

Pursuant to 37 CFR 1.703(a), the period is calculated as follows:

- (2) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

The Office mailed an Ex Parte Quayle action on January 24, 2011. On March 23, 2011, Applicants timely filed a response. On September 2, 2011, the Office mailed a notice of allowance in reply. As calculated under 37 CFR 1.703(a)(2), the Office should have been assessed a 41 day adjustment for the period beginning on July 24, 2011, which is the day after four months after the date the reply to the Ex Parte Quayle action was filed, and ending on September 2, 2011, the date the Office mailed a notice of allowance.

Accordingly, a period of adjustment of 41 days is being entered. Please find enclosed an updated PAIR screen for the application, reflecting the change.

In view thereof, the determination of patent term adjustment at the time of mailing of the notice of allowance is three hundred eight **(308) days** (308 days of Office delay - 0 days of Applicant delay).

Pursuant to applicants' authorization, deposit account no. 05-0840 will be charged the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in

the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

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



Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

enc: PAIR screen for U.S. Application No. 12/396,103



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12/396,103 P70 S6 KINASE INHIBITORS X17610A

Calculations	Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Published Documents	Address & Attorney/Agent	Display References
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Patent Term Adjustment

Filing or 371(c) Date:	03-02-2009	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	267
A Delays:	267	PTO Manual Adjustments:	41
B Delays:	0	Applicant Delays:	0
C Delays:	0	Total PTA Adjustments:	308

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
52	12-08-2011	Adjustment of PTA Calculation by PTO	41		0
34	09-02-2011	Mail Notice of Allowance			0
33	08-30-2011	Office Action Review			0
32	08-30-2011	Office Action Review			0
31	08-30-2011	Issue Revision Completed			0
30	08-30-2011	Notice of Allowance Data Verification Completed			0
29	08-30-2011	Document Verification			0
28	08-27-2011	Interview Summary- Applicant Initiated			0
27	08-27-2011	Allowability Notice			0
26	03-23-2011	Miscellaneous Incoming Letter			0
25	01-24-2011	Electronic Review			0
24	01-24-2011	Email Notification			0
23	01-24-2011	Mail Ex Parte Quayle Action (PTOL - 326)	267		0.5
22	01-18-2011	Quayle action			0
17	08-26-2010	Information Disclosure Statement considered			0
16	03-02-2009	Information Disclosure Statement considered			0
15	08-26-2010	Electronic Information Disclosure Statement			0
14	08-26-2010	Information Disclosure Statement (IDS) Filed			0
13	07-09-2009	Case Docketed to Examiner in GAU			0
12	03-02-2009	Information Disclosure Statement (IDS) Filed			0
11	07-07-2009	IFW TSS Processing by Tech Center Complete			0
10	06-26-2009	Email Notification			0
	06-25-				

9	2009	PG-Pub Issue Notification	0
8	03-31-2009	Application Dispatched from OIPE	0
7	03-19-2009	Email Notification	0
6	03-18-2009	Sent to Classification Contractor	0
5	03-19-2009	Filing Receipt	0
4	03-10-2009	Cleared by OIPE CSR	0
3	03-05-2009	IFW Scan & PACR Auto Security Review	0
2	03-02-2009	Information Disclosure Statement (IDS) Filed	0
1	03-02-2009	Initial Exam Team nn	0
0.5	03-02-2009	Filing date	0

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**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 07-26-11

TO SPE OF : ART UNIT 2855

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/396210 Patent No.: 7975561

CofC mailroom date: 07-19-11

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

**FOR IFW FILES:**

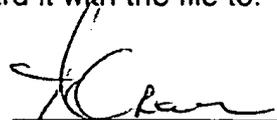
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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

**FOR PAPER FILES:**

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

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



Note: \_\_\_\_\_  
\_\_\_\_\_

Angela Green 571.272.9005  
CofC Branch 703-756-1814

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SPE *Li M. Guot*

*Am 2855*  
Art Unit



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www.uspto.gov

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

**MAILED**  
**MAR 09 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
LINDENBAUM, et al :  
Application No. 12/396,228 : **DECISION ON PETITION**  
Filed: February 18, 2011 : **TO WITHDRAW**  
Attorney Docket No. 023372.0110N3US : **FROM RECORD**

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

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Scott A. Chambers, has been revoked by the assignee of the patent application on February 29, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: **CARDIODEX LTD.**  
**3 HATOHEN ST.**  
**CESAREA BUSINESS PARK 38900 ISRAEL**



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
12/396,228	03/02/2009	Hayim Lindenbaum	023372.0110N3US

**CONFIRMATION NO. 5901**

**POA ACCEPTANCE LETTER**



Date Mailed: 03/06/2012

26694  
VENABLE LLP  
P.O. BOX 34385  
WASHINGTON, DC 20043-9998

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/29/2012.

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.

/atesfai/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/396,228	03/02/2009	Hayim Lindenbaum	023372.0110N3US

**CONFIRMATION NO. 5901**

**POWER OF ATTORNEY NOTICE**



32042  
PATTON BOGGS LLP  
8484 WESTPARK DRIVE  
SUITE 900  
MCLEAN, VA 22102

Date Mailed: 03/06/2012

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/29/2012.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/atesfai/

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



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IP DOCKETING  
630 HANSEN WAY  
PALO ALTO CA 94304

**MAILED**

JUL 11 2011

OFFICE OF PETITIONS

In re Application of :  
Samios :  
Application No. 12/396,232 : DECISION  
Filed/Deposited: 2 March, 2009 :  
Attorney Docket No. 1401764.00001 :

This is a decision on the papers filed on 23 June, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

**NOTE:**

The address on the petition is other than that of record.

Petitioner appears not to appreciate that a Revocation/Power of Attorney and an assignee's certificate pursuant to 37 C.F.R. §3.73(b) are required—it is not an either/or matter.

Thus, there is no indication that Petitioner herein was ever empowered to prosecute the instant application.

If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation, including an assignee's certificate pursuant to 37 C.F.R. §3.73(b) **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.

Application No. 12/396,232

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled “Renewed Petition pursuant to 37 C.F.R. §1.181.”

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw  
the Holding of Abandonment

*Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.*

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

**BACKGROUND**

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (Requirement for Restriction) mailed on 4 October, 2010, with reply due absent extension of time on or before 4 November, 2010.

On 18 May, Petitioner filed, inter alia, a petition pursuant to 37 C.F.R. §1.181—but with absolutely no showing of the basis for the averment, save that Petitioner filed a piece of the documentation that might make possible the change of correspondence address—to wit: a revocation/power of attorney—but without an assignee’s certificate pursuant to 37 C.F.R. §3.73(b). Thus, Petitioner failed to make that showing that that Petitioner herein was ever empowered to prosecute the instant application. As noted above, Petitioner appears not to appreciate that a Revocation/Power of Attorney and an assignee’s certificate pursuant to 37 C.F.R. §3.73(b) are required—it is not an either/or matter.

Thus, Petitioner has not satisfied the showing under the Rule.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

\*\*\*

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<sup>1</sup>

\*\*\*

And the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely filing:

\*\*\*

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

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<sup>1</sup> See: MPEP §711.03(c)(I)(A).

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.<sup>2</sup>

\*\*\*

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: [http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_711\\_03\\_c.htm#sect711.03c](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c))

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<sup>2</sup> See: MPEP §711.03(c) (I)(B).

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>3</sup>

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

### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>4, 5</sup>

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other

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<sup>3</sup> 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. §1.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>4</sup> See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

<sup>5</sup> The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

Application No. 12/396,232

means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>6</sup>

Allegations as to the Request to  
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b). (See: [http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_711\\_03\\_c.htm#sect711.03c](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c))

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.” (The statement is in the form available online.)

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

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<sup>6</sup> In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/396,232

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>7</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

CC:  
HARMOHINDER S. BEDI  
ECOTECH LAW GROUP PC  
201 SPEAR STREET/SUITE 1100  
SAN FRANCISCO, CA 94105

---

<sup>7</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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ECOTECH LAW GROUP, P.C.  
201 SPEAR STREET  
SUITE 1100  
SAN FRANCISCO CA 94105

**MAILED**

**AUG 23 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Samios :  
Application No. 12/396,232 : **DECISION**  
Filed/Deposited: 2 March, 2009 :  
Attorney Docket No. 1401764.00001 :

This is a decision on the papers filed on 8 August, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b) .

**NOTE:**

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.<sup>1</sup> 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 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.

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

<sup>1</sup> See 37 C.F.R. §11.18(b), formerly §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).

Application No. 12/396,232

As to the Allegations  
of Unintentional Delay

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

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action (Requirement for Restriction) mailed on 4 October, 2010, with reply due absent extension of time on or before 4 November, 2010.

On 18 May, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—but with absolutely no showing of the basis for the averment, save that Petitioner filed a piece of the documentation that might make possible the change of correspondence address—to wit: a revocation/power of attorney—but without an assignee's certificate pursuant to 37 C.F.R. §3.73(b). Thus, Petitioner failed to make that showing that that Petitioner herein was ever empowered to prosecute the instant application. As noted above, Petitioner appears not to appreciate that a Revocation/Power of Attorney and an assignee's certificate pursuant to 37 C.F.R. §3.73(b) are required—it is not an either/or matter. The petition was dismissed on 11 July, 2011, for Petitioner's failure to satisfy the showing under the Rule.

On 8 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of an Election, and made the statement of unintentional delay.

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

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

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of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>2</sup>

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).<sup>3</sup> The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.<sup>4</sup>)

#### As to Allegations of Unintentional Delay

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

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

### CONCLUSION

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

The instant application is released to the Technology Center/AU 3728 for further processing in due course.

**Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is**

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<sup>2</sup> 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).

<sup>3</sup> 35 U.S.C. §133 provides:

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

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

<sup>4</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one’s attention and the mail is not timely deposited for shipment.

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noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>5</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

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<sup>5</sup> 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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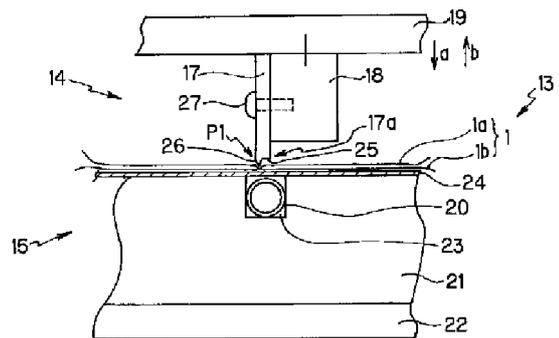
TN16 TQ06 TQ10 TQ11 TQ13

(54) 【発明の名称】 高周波溶着装置

(57) 【要約】

【課題】 重ね合わされた熱可塑性合成樹脂シート材からなる被加工物に対する溶着作業を効率的かつ高精度に行う。

【解決手段】 重ね合わされたシート状の被加工物1の接合部位に対応する溶着刃部17aが形成された第1の金型17と、被加工物1の溶着処理部P1を構成して第1の金型17と対向配置されるとともに高周波電流が供給されるワークコイル20が設けられた第2の金型15とを備える。第1の金型17と第2の金型15とで被加工物1を挟み込んだ状態でワークコイル20に高周波電流を供給し、高周波電流によって生成される磁気回路中に晒される第1の金型17の溶着刃先部17aを誘導加熱して、被加工物1の溶着処理を行う。



ワークスペース部の要部模式図

**Disclaimer:**

This English translation is produced by machine translation and may contain errors. The JPO, the INPIT, and those who drafted this document in the original language are not responsible for the result of the translation.

**Notes:**

1. Untranslatable words are replaced with asterisks (\*\*\*\*).
2. Texts in the figures are not translated and shown as it is.

Translated: 11:53:55 JST 11/21/2011

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**CLAIM + DETAILED DESCRIPTION**

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**[Claim(s)]**

[Claim 1]A high frequency welding device which is provided with the following and characterized by performing welding processing to the above-mentioned workpiece by supplying high frequency current to the above-mentioned work coil, and carrying out induction heating of the welding cutting part of the 1st metallic mold of the above to it where the above-mentioned workpiece is put by the 1st metallic mold of the above, and the 2nd metallic mold of the above.

The 1st metallic mold in which a welding cutting part corresponding to a joined part of a workpiece which consists of piled-up sheet material made of thermoplastic synthetic resin was formed.

The 2nd metallic mold in which a work coil in which high frequency current is supplied corresponding to the above-mentioned welding cutting part was provided while constituting a charge space part of the above-mentioned workpiece, countering with the 1st metallic mold of the above and having been arranged.

A metallic mold driving means of the 1st metallic mold of the above, and the 2nd metallic mold of the above which drives either at least and between which the above-mentioned workpiece is made to put in the above-mentioned charge space part.

[Claim 2]The high frequency welding device according to claim 1, wherein a cooling method is attached to the 1st metallic mold of the above.

[Claim 3]The high frequency welding device according to claim 1 or 2, wherein a heater which heats one joined part of the above-mentioned workpiece is formed in the 2nd metallic mold of the above.

[Claim 4]Claim 1 thru/or a high frequency welding device of Claim 3 given in any 1 paragraph, wherein the 1st metallic mold of the above is formed with a magnetic body.

[Claim 5]Claim 1 thru/or a high frequency welding device of Claim 4 given in any 1 paragraph controlling high frequency current which the 1st metallic mold of the above is equipped with a temperature measuring means which measures temperature of the above-mentioned welding cutting part heated by induction heating, and is supplied to the above-mentioned work coil by the output of the above-mentioned temperature measuring means.

[Claim 6]Where it had the following and the above-mentioned workpiece is put in a charge space part of the above 1st, and a charge space part of the above 2nd by the 1st metallic mold of the above thru/or the 3rd metallic mold of the above, A high frequency welding device performing welding processing to the above-mentioned workpiece by supplying high frequency current to a work coil of the above 1st, and a work coil of the above 2nd, and carrying out induction heating of a welding cutting part of the above 1st, and the welding cutting part of the above 2nd to them.

The 1st metallic mold by which the 1st welding cutting part and the 2nd welding cutting part were formed in both ends in piled-up sheet material made of thermoplastic synthetic resin corresponding to a joined part of both ends of a workpiece which becomes as tubed, respectively.

The 2nd metallic mold in which the 1st work coil in which high frequency current is supplied corresponding to a welding cutting part of the above 1st was provided while constituting the 1st charge space part of the above-mentioned workpiece, countering with a welding cutting part of the above 1st of the 1st metallic mold of the above and having been arranged.

The 3rd metallic mold in which the 2nd work coil in which high frequency current is supplied corresponding to a welding cutting part of the above 2nd was provided while constituting the 2nd charge space part of the above-mentioned workpiece, countering with a welding cutting part of the above 2nd of the 1st metallic mold of the above and having been arranged.

A metallic mold driving means between which drive so that the 2nd metallic mold of the above and the 3rd metallic mold of the above may be made to attach and detach to the 1st metallic mold of the above, and the above-mentioned workpiece is made to put in the above-mentioned charge space part.

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[Detailed Description of the Invention]

[0001]

[Field of the Invention]This invention relates to the high frequency welding device which welds the workpiece which consists of piled-up sheet material made of thermoplastic synthetic resin using induction heating by high frequency current.

[0002]

[Description of the Prior Art]The film and sheet material which are formed with the thermoplastics containing polar groups, such as polyamide resin, such as polyvinyl chloride system resin, are processed and manufactured by the sheet for cars, a tent, a packaging medium, etc., for example by performing welding processing by a high frequency dielectric-heating method in the state where it was generally piled up. Although a film, sheet material, etc. are blown out by predetermined shape etc. by independent processing on the occasion of welding processing, in this Description, they shall name generically processing of this welding or blowout "welding", and it shall be used for them. Since the polyvinyl chloride system resin material generated poisonous gas containing chlorine when carrying out melting fabrication of a film, the sheet material, etc., or when the high frequency dielectric heating time or incineration abandonment was carried out, it had a problem in the viewpoint of environmental preservation.

[0003]On the other hand, among thermoplastics, since a problem like the polyvinyl chloride system resin mentioned above does not arise, polyolefin system resin, such as polyethylene and polypropylene, is used as a material replaced with this. However, a polyolefin system resin material is nonpolarity in molecular structure.

Since a dielectric constant and dielectric loss are small, it has the characteristic that febrility is low.

Therefore, there was a problem that the welding processing by the high frequency dielectric-heating method generally used conventionally was difficult for a polyolefin system resin material. For this reason, not the high frequency dielectric-heating method that supplies high frequency current directly to a workpiece as a welding processing method of a polyolefin system resin material but the thermal melting arrival method by external heating was used. However, this thermal melting arrival method had the problem that uniform heating was not performed to a workpiece while the time which welding takes became long.

[0004][ as other welding processing methods of a polyolefin system resin material ] For example, like the description to JP,S55-61435,A, metal electric conduction elements, such as iron, are made scattered in the bonded surface of material, a metal electric conduction element is heated by high-frequency-induction heating, and the method of dissolving a bonded surface and carrying out welding processing with the heat, is also proposed. However, the method of starting had the problem that mechanical strength became low while the product after welding processing colored it, in order to enable heating by high-frequency-induction heating and to blend powder, such as iron and carbon, with a polyolefin system resin material.

[0005][ as a welding processing method of a polyolefin system resin material ] For example, an electrode is arranged on the upper and lower sides of thermoplastics, such as polyolefin system resin used as a workpiece, like the description to JP,H8-52802,A, Where these electrodes are heated to a specific temperature with a heater, while heating thermoplastics

material to prescribed temperature by high frequency dielectricity, the method of sticking a workpiece by pressure with an electrode is proposed. It is controlled in this earlier-applications welding processing method by the range which can welding process pressure, welding processing time or a high frequency output at the time of sticking thermoplastics material by pressure, etc. However, in this earlier-applications welding processing method, the dielectric constant is limited to 2.3 or more plastic molded products excluding the halogen element as a component. Thus, as for the welding processing by high frequency dielectric heating, the use was limited. The heating and cool time are needed, and the earlier-applications welding processing method has the problem that productivity worsens, in order to heat an electrode to a specific temperature beforehand.

[0006]

[Problem to be solved by the invention]In the conventional welding processing method, as mentioned above, in order to weld a polyolefin system resin material, the characteristic of the material itself needed to be changed, and the material in which welding processing is possible was restricted. Therefore, as a welding processing method of thermoplastics material, what can perform welding processing free is desired about welding processing of a polyolefin system resin material as well as a polyvinyl chloride system resin material.

[0007]By the way, the cooler style which cools a metallic mold was provided in the conventional high frequency welding device. This cooler style pushed the air pad etc. against the metallic mold directly, and was constituted. In the high frequency welding device, since the work coil was wound along with the peripheral part of a metallic mold, it was constituted so that the whole metallic mold might heat. Therefore, a high frequency welding device will require long time, by the time the whole metallic mold is cooled, and it had become what has it. [ in which the efficiency of welding work is remarkable and it is bad ]

[0008]A high frequency welding device is cooling a metallic mold by the cooler style attached to a metallic mold, and there was a problem that dew condensation will occur in a metallic mold. Therefore, a metallic mold will be heated in the unstable state and the high frequency welding device had the problem that highly precise welding processing could not carry out to a workpiece.

[0009]The high frequency welding device was controlled by time for the welding work to a workpiece to heat a metallic mold. However, a metallic mold in a high frequency welding device with for example, influences of various, such as change of outside temperature, other external factors, or the characteristic of a metallic mold, or a difference in the quality of the material of a workpiece, While time until it reaches the temperature whose welding of a workpiece is enabled was not fixed, time to descend even to the temperature to which the workpiece after welding processing is stabilized was not fixed, either. Therefore, in the high frequency welding device, when it automated and control of the welding work to a workpiece

was performed, fully being unable to heat or cool a workpiece, welding work may be ended and the product after welding processing was made imperfect. Therefore, in the welding processing using a high frequency welding device, while the human being who works judged the propriety of welding processing, work might be done.

[0010]When a high frequency welding device carried out welding processing of the solid things, such as a box, for example, it needed again the work which twists a workpiece around a metallic mold beforehand. However, since the high frequency welding device needed to preheat a metallic mold with a heater etc. before welding processing, it was difficult to carry out welding processing of a solid thing practically.

[0011]This invention], This invention is made in order to solve the problem mentioned above, and it is a thing.

The purpose is to provide the quantity which enables efficient and highly precise welding processing to the workpiece which consists of sheet material made of a plastic synthetic resin.

[0012]

[Means for solving problem]The high frequency welding device concerning this invention which attains this purpose performs welding processing to the workpiece which consists of piled-up sheet material made of thermoplastic synthetic resin. While a high frequency welding device constitutes the 1st metallic mold in which the welding cutting part corresponding to the joined part of a workpiece was formed, and the charge space part of a workpiece, counters with the 1st metallic mold and is arranged, [ a welding device ] It has a metallic mold driving means of the 2nd metallic mold in which the work coil in which high frequency current is supplied corresponding to a welding cutting part was provided, and these 1st metallic molds and the 2nd metallic mold which drives either at least and between which a workpiece is made to put in a charge space part, and is constituted.

[0013]According to the high frequency welding device concerning this invention constituted as mentioned above, where a workpiece is put by the 1st metallic mold and 2nd metallic mold, high frequency current is supplied to a work coil. Induction heating of the welding cutting part exposed all over the magnetic circuit generated by high frequency current is carried out partially, and the 1st metallic mold performs welding processing to a workpiece. The high frequency welding device concerning this invention performs supply of high frequency current, and interception to a work coil, and heating of a metallic mold and cooling are efficiently performed by heating partially and cooling a welding cutting part. Therefore, according to the high frequency welding device concerning this invention, it becomes possible to perform welding processing of a workpiece efficiently and with high precision.

[0014]The high frequency welding device concerning this invention performs welding processing to the both ends of the workpiece which consisted of sheet material made of

thermoplastic synthetic resin, and was made tubed, and forms a solid thing in them. The 1st metallic mold by which the 1st welding cutting part and the 2nd welding cutting part were formed in both ends corresponding to the joined part of a workpiece, respectively as for the high frequency welding device, The 2nd metallic mold in which the 1st work coil in which high frequency current is supplied corresponding to the 1st welding cutting part was provided while constituting the 1st charge space part of the workpiece, countering with the 1st welding cutting part of the 1st metallic mold and having been arranged, The 3rd metallic mold in which the 2nd work coil in which high frequency current is supplied corresponding to the 2nd welding cutting part was provided while constituting the 2nd charge space part of the workpiece, countering with the 2nd welding cutting part of the 1st metallic mold and having been arranged, It has a metallic mold driving means driven so that the 2nd metallic mold and 3rd metallic mold may be made to attach and detach to the 1st metallic mold, and is constituted.

[0015]According to the high frequency welding device concerning this invention constituted as mentioned above, where the 1st metallic mold is beforehand equipped with a workpiece, when the 2nd metallic mold and 3rd metallic mold drive to the 1st metallic mold side by a metallic mold driving means, a workpiece is put in the 1st charge space part and the 2nd charge space part. As for a high frequency welding device, high frequency current is supplied to the 1st work coil and the 2nd work coil in this state. All over the magnetic circuit generated by high frequency current, induction heating of the 1st welding cutting part and the 2nd welding cutting part which are exposed, respectively is carried out partially, and the 1st metallic mold performs welding processing to the both ends of a workpiece, and forms a solid thing. While a high frequency welding device makes it unnecessary to hold beforehand the 1st metallic mold thru/or 3rd metallic mold in the heating state in this way, it becomes possible by carrying out welding processing from carrying out induction heating only of each welding cutting part partially to perform welding processing which forms a solid thing efficiently and with high precision.

[0016]

[Mode for carrying out the invention]It explains in detail, referring to Drawings for the concrete embodiment to which this invention is applied hereafter. [ the high frequency welding device 10 shown in drawing 1 as an embodiment ] For example, with a polyvinyl chloride system resin material or a polyolefin system resin material, it is fabricated by the sheet shaped, and welding processing which used high-frequency-induction heating to the workpiece 1 (1a, 1b) piled up mutually is given, and the processing molded product 2 is fabricated. The work space part 13 grade which consists of the plinth 11 supporting the whole device, the air cylinder 12, and the upper die part 14 which performs welding work to the workpiece 1 and the Shimokane mold part 15 comes to constitute the high frequency welding device 10. The term which shows positions, such as the "upper and lower sides", shall be used on the basis of drawing 1.

[0017]The plinth 11 holds the work space part 13 with which the upper part is equipped, and is formed in the basis of a dogged structure. The plinth 11 is laid, for example on a flat floor etc. The air cylinder 12 is formed above the upper die part 14, and constitutes the metallic mold driving means into which the distance of the upper die part 14 and the Shimokane mold part 15 in the work space part 12 is made to change by driving this upper die part 14 to the Shimokane mold part 15 side along with the guide shaft 16 (16a, 16b). As shown in drawing 1 and drawing 2, the work space part 13 is a part which puts the workpiece 1 and carries out welding processing, and is divided and constituted by the upper die part 14 and the Shimokane mold part 15. The upper die part 14 is constituted by the upper metallic mold 17 which presents the same shape as the shape of the bonded surface C1 of the workpiece 1, the cooling block 18, and the Kamisada board 19. The Shimokane mold part 15 is constituted by the work coil 20 in which the high frequency current produced with the oscillation machine which is not illustrated is supplied, the work coil base 21 which covers the circumference of this work coil 20, and lower surface plate 22 grade.

[0018]As shown in drawing 3, from the Kamisada board 19, the upper metallic mold 17 and the cooling block 18 project, and are formed in the work space part 13 at the upper die part 14 side. The principal surface of one of these joins to one principal surface of the cooling block 18 closely, and is unifying the upper metallic mold 17 so that it may mention later. the work coil slot 23 which lays the work coil 20 under the work space part 13 on the upper surface of the work coil base 21 joined to the upper part of the lower surface plate 22 -- the shape of the work coil 20 -- substantially the same as the joined part of the workpiece 1, if it puts in another way - - the shape of 1 is presented and it is punctured.

[0019]When the workpiece 1 is welded by pressure by the upper die part 14 and the Shimokane mold part 15 so that the central axis may be provided in the work coil 20 together with the central axis of the upper metallic mold 17 in the upper metallic mold 17 and the position which counters and it may mention later, It is constituted so that the welding cutting part 17a of the upper metallic mold 17 may be contained all over the magnetic circuit generated by the high frequency current supplied to the work coil 20 by the oscillation machine which is not illustrated. In the state where the upper die part 14 and the Shimokane mold part 15 welded the workpiece 1 by pressure, the work coil 20 is protected from the influence of change of shape, destruction, etc. by the electric insulating plate 24 provided in the upper surface of the work coil base 21.

[0020]The welding edge 25 and the blowout edge 26 are formed in one, and the upper metallic mold 17 becomes the welding cutting part 17a, as the details are shown in drawing 4. The welding edge 25 welds the workpiece 1 in contact with the workpiece 1a in the weld processing part P1 in the case of welding processing. On the other hand, the blowout edge 26 blows out the portion which became unnecessary in the bonded surface C1 by welding, and

fabricates the processing molded product 2 while it welds the workpiece 1 with the welding edge 25. The blowout edge 26 plays a role of a stopper for not pushing the welding edge 25 to the workpiece 1 in the weld processing part P1 more than needed.

[0021]The upper metallic mold 17 forms the welding edge 25 and the blowout edge 26 by a separate member, and is good as for one in these. In short, the upper metallic mold 17 should just be constituted so that the end face of the welding edge 25 may be in agreement with the root of the edge-of-a-blade portion of the blowout edge 26, while one principal surface of the blowout edge 26 and one principal surface of the welding edge 25 stick.

[0022]The upper metallic mold 17 is formed with a magnetic body called the stainless steel of a martensite system or a ferrite series. The stainless steel of a martensite system or a ferrite series is the quality of the material with strong peculiar resistance and high exothermic efficiency. Therefore, when the heating characteristic carries out induction heating of the upper metallic mold 17 compared with the metallic mold formed with iron material all over the magnetic circuit generated by the high frequency current supplied to the work coil 20 by the oscillation machine which it is good and is not illustrated, it is heated by a short time and little power.

[0023]In portions other than welding cutting part 17a of the welding edge 25, i.e., the portion which is not contained in a magnetic circuit, the principal surface of the another side has joined the upper metallic mold 17 to one with one principal surface and screw 27 of the cooling block 18. The upper metallic mold 17 and the cooling block 18 which were unified have stuck with the undersurface of the Kamisada board 19 in which the heat conduction characteristics, such as aluminum, are formed with the good quality of the material, for example. Although the Kamisada board 19 does not illustrate, it has established the supply channel which pours cooling water in the inside, and it is always water-cooled. The cooling block 18 is formed with the same for example, quality of the material with the sufficient heat conduction characteristics, such as aluminum and copper, as the Kamisada board 19, and shortly after the Kamisada board 19 is cooled, it is cooled. By this composition, the cooling block 18 does not make the upper metallic mold 17 dew, and the heating characteristic of the upper metallic mold 17, etc. are not affected by influence.

[0024]The cooling block 18 establishes a supply channel in an inside, and it may be made to cool it directly under the conditions which the upper metallic mold 17 is not made to dew. The Kamisada board 19 can be suitably changed, if it is not necessary to cool by a water-cooled method for example, and air cooling etc. are fully cooled.

[0025]The high frequency welding device 10 constituted as mentioned above will drop the upper die part 14 in the direction of the arrow a along with the guide shaft 16 by the air cylinder 12 driven with the electromagnetic valve etc. which are not illustrated, if the work space part 13 is loaded with the workpiece 1 and a drive is started, as shown in drawing 5. The high

frequency welding device 10 puts the workpiece 1 by the upper die part 14 and the Shimokane mold part 15 by this operation. The high frequency welding device 10 generates a magnetic circuit by supplying high frequency current with the oscillation machine which is not illustrated to the work coil 20. In the high frequency welding device 10, it is that the welding cutting part 17a of the upper metallic mold 17 which is a conductor is exposed all over a magnetic circuit, and the induced current induced by the welding cutting part 17a by the magnetic circuit flows, and the upper metallic mold 17 is heated. When the full length of the upper metallic mold 17 is 50 mm, for example, the welding cutting part 17a has less than about 5-mm field the high frequency welding device 10 specifically heated from the edge-of-a-blade tip.

[0026]In the high frequency welding device 10, the field heated in the welding cutting part 17a can be changed with the cooking temperature depending on the frequency of the high frequency current by the oscillation machine which is not illustrated.

[0027]By the upper die part 14 and the Shimokane mold part 15, the high frequency welding device 10 is in the state which welded the workpiece 1 by pressure, dissolves the joining section of the workpiece 1 which the welding cutting part 17a of the upper metallic mold 17 heats, and carries out welding processing in the bonded surface C1 of the upper and lower sides of the workpiece 1.

[0028]Then, the high frequency welding device 10 intercepts supply of the high frequency current by the oscillation machine which is not illustrated to the work coil 20. Therefore, in the high frequency welding device 10, it will be that the magnetic circuit generated by high frequency current disappears, and the induced current induced by the upper metallic mold 17 will not flow. In the high frequency welding device 10, heating to the upper metallic mold 17 is no longer performed by this, and it is immediately cooled by the cooling block 18. After it cools the processing molded product 2 until the state of the bonded surface C1 of the processing molded product 2 which welding processing was carried out and was fabricated is stabilized as for the high frequency welding device 10, it drives the air cylinder 12 and raises the upper die part 14 in the direction of the arrow b along with the guide shaft 16.

[0029]Thus, the high frequency welding device 10 performs efficiently heating and cooling of the upper metallic mold 17 by carrying out induction heating of the welding cutting part 17a of the upper metallic mold 17 partially by performing not the whole upper metallic mold 17 but supply of the high frequency current from the oscillation machine which is not illustrated to the work coil 20, and interception. Therefore, the high frequency welding device 10 becomes possible [ carrying out welding processing of the workpiece 1 efficiently and with high precision ]. The high frequency welding device 10 does not impress high frequency voltage directly to the workpiece 1 like the earlier-applications welding method mentioned above. That is, in order to carry out welding processing by the upper metallic mold 17 which heated the workpiece 1 by high-frequency-induction heating, the high frequency welding device 10 does

not serve as a parameter in the case of welding processing of the electric strength of the workpiece 1, etc., and a spark does not generate it. The high frequency welding device 10 carries out welding processing regardless of the dielectric constant of the workpiece 1, the size of dielectric loss, etc. Therefore, the high frequency welding device 10 processes not only polyvinyl chloride system resin etc. but thermoplastics, such as polyolefin system resin with difficult welding processing.

[0030]The high frequency welding device 30 shown in drawing 6 and drawing 7 as a 2nd embodiment established the structure where the workpiece 1 (1c, 1d) was heated to the Shimokane mold part 31. Therefore, about a part equivalent to the high frequency welding device 10 shown as a 1st embodiment mentioned above, the detailed explanation is omitted by attaching the same numerals.

[0031]As the details are shown [ the high frequency welding device 30 ] in drawing 6 and drawing 7, while laying the work coil 20 under the inside of the work coil slot 24 drilled in the upper surface of the work coil base 21 in the Shimokane mold part 31, [ the welding device ] The thin metal plate 33 inserted into the insulation sheet 32 (32a, 32b) of two sheets is allocated above the work coil 20, and it is constituted.

[0032]If the work space part 13 is equipped with the workpiece 1 and a drive is started as shown in drawing 7, the high frequency welding device 30 will drop the upper die part 14 in the direction of the arrow a, and will put the workpiece 1 by this upper die part 14 and the Shimokane mold part 15. The high frequency welding device 30 generates a magnetic circuit by supplying high frequency current with the oscillation machine which is not illustrated to the work coil 20 in this state. In the high frequency welding device 30, it is that the metal plate 33 which is a conductor is exposed all over a magnetic circuit, and the induced current induced by the metal plate 33 by the magnetic circuit flows, and the metal plate 33 is heated. That is, the metal plate 33 plays the role of the heater which heats the workpiece 1 from the work coil 20 side. As for the high frequency welding device 30, induction heating of the welding cutting part 17a of the upper metallic mold 17 is carried out like a 1st embodiment it mentioned above while induction heating of the metal plate 33 was carried out.

[0033]When the upper metallic mold 17 and the metal plate 33 heat the workpiece 1 from the upper and lower sides and dissolve a joining section, the high frequency welding device 30 carries out welding processing in the bonded surface C2 of the upper and lower sides of the workpiece 1, while the workpiece 1 is stuck by pressure.

[0034]The high frequency welding device 30 improves the result after welding processing of the workpiece 1 was carried out by equipping with the metal plate 33 the lower part which is 1d of one workpieces, i.e., the upper part of the work coil 20. As a 1st embodiment showed, when [ namely, ] carrying out welding processing of the workpiece 1 only by the upper metallic mold 17, without forming the metal plate 33, As shown in drawing 8, in the weld processing part P1,

while would be heated by one side heating by the upper metallic mold 17, and only the workpiece 1a will be prolonged. Therefore, as the fabricated processing molded product 2 is shown in drawing 9, it may originate in the length of both workpieces 1a and 1b differing, and a result may worsen. On the other hand, [ the bonded surface C2 of the workpiece 1 by the high frequency welding device 30 ] Workpieces [ 1c and 1d ] both are equally prolonged by 1 d of workpieces of another side being heated with the metal plate 33 from the undersurface, and being heated from both sides, while one workpiece 1c is heated by the upper metallic mold 17 from the upper surface in the weld processing part P2, as shown in drawing 10. Therefore, as shown in drawing 11, the fabricated processing molded product 3 serves as a good result bending backward and which is not, because the workpieces 1c and 1d make length the same.

[0035]The high frequency welding device 30 can change the cooking temperature from the undersurface of 1 d of workpieces by changing the quality of the material, thickness, etc. of the metal plate 33. Therefore, by maintaining the balance of up-and-down cooking temperature of the workpiece 1 in the weld processing part P2, the high frequency welding device 30 can realize cooking temperature suitable for the workpiece 1, and can shorten welding processing time. The high frequency welding device 30 may be the composition that the heater that it replaces with the metal plate 33, drives by the power supply etc. which are not illustrated, and itself generates heat is formed. In this case, since the high frequency welding device 30 can control the cooking temperature of a heater spontaneously, it can be controlled independently, without making it depend for the heating state from the work coil 20 side on the heating state of the upper metallic mold 17.

[0036]The high frequency welding device 40 shown in drawing 12 and drawing 13 as a 3rd embodiment established the measurement means which measures the temperature of the welding cutting part 17a of the upper metallic mold 17, and it constituted it so that the output of this measurement means might perform temperature control. Therefore, the high frequency welding device 40 omits the detailed explanation by attaching the same numerals about a part equivalent to the high frequency welding device 10 shown in a 1st embodiment mentioned above.

[0037]As shown in drawing 12, in the upper die part 41, the high frequency welding device 40 is sticking K type thermo couple 42 near the welding cutting part 17a of the upper metallic mold 17, and it is constituted so that the temperature of the welding cutting part 17a of the upper metallic mold 17 may be measured. By this composition, the high frequency welding device 40 becomes possible [ controlling welding work by cooking temperature of the upper metallic mold 17 ].

[0038]That is, if the upper die part 41 drives in the direction of the arrow a and welds the workpiece 1 (1e, 1f) by pressure as shown in drawing 13, the high frequency welding device

40 will drive the oscillation machine which is not illustrated, and will supply high frequency current to the work coil 20. While portions other than welding cutting part 17a are cooled by the Kamisada board 19 and the cooling block 18, the welding cutting part 17a carries out induction heating of the upper metallic mold 17. The high frequency welding device 40 is driving the oscillation machine which is not illustrated until the temperature of the welding cutting part 17a of the upper metallic mold 17 measured by K type thermo couple 42 reaches a temperature required to enable welding processing of the workpiece 1, and the welding cutting part 17a of the upper metallic mold 17 continues heating it. The high frequency welding device 40 will stop the drive of an oscillation machine which supplies a detection output to a power supply circuit, and does not illustrate it, if K type thermo couple 42 detects that the temperature of the welding cutting part 17a of the upper metallic mold 17 reached a temperature required to enable welding processing of the workpiece 1. As for the upper metallic mold 17, the whole is immediately cooled by the Kamisada board 19 and the cooling block 18. In connection with this, the workpiece 1 by which welding processing was carried out is cooled until it reaches the stabilized temperature. If it is detected by K type thermo couple 42 that the high frequency welding device 40 descended to the temperature where the workpiece 1 by which welding processing of the temperature of the welding cutting part 17a of the upper metallic mold 17 was carried out is stabilized, it will drive the upper die part 41 in the direction of the arrow b by the air cylinder 12.

[0039] Thus, a series of welding work is automatically controllable by performing temperature control by making into minimum temperature temperature where the workpiece 1 by which the high frequency welding device 40 made required temperature which is sufficient for performing welding processing to the workpiece 1 upper limit temperature, and welding processing was carried out is stabilized. Therefore, the high frequency welding device 40 carries out welding processing of the workpiece 1 completely, and fabricates the good highly precise workpiece of a result.

[0040] In the high frequency welding device 40, although K type thermo couple 42 was used as a temperature sensor, what is necessary is just a temperature sensor which has the dynamic range, and the temperature and time resolution which are needed in order not to be limited to this composition and to carry out welding processing of the workpiece 1. The high frequency welding device 40 may form the heater for heating the workpiece 1 of metal plate 33 grade from the work coil 20 side, as shown as a 2nd embodiment mentioned above. In this case, only the welding cutting part 17a of the upper metallic mold 17 boils a temperature sensor, there is no high frequency welding device 40 then, and it may constitute it so that it may install also in a heater. By this, the high frequency welding device 40 can perform welding work on the basis of highly precise temperature control.

[0041] The high frequency welding device 50 shown in drawing 14 and drawing 15 as a 4th

embodiment was constituted so that welding processing of the solid things, such as a box, might be carried out. Therefore, about a part equivalent to the high frequency welding device 10 shown as a 1st embodiment mentioned above, the detailed explanation is omitted by attaching the same numerals.

[0042]While the tubed metallic mold 51 does not need preheating before welding work, [ the high frequency welding device 50 ] [ like the upper metallic mold 17 shown in the embodiment mentioned above ] Since heating and cooling of the tubed metallic mold 51 can be performed efficiently and the handling will become simple by restricting the portion to heat to the welding cutting parts 51a and 51b, solid things, such as a box, can be created.

[0043]When processing a solid thing, as it is shown in drawing 14, [ the high frequency welding device 50 ] [ in the work space part 13 ] [ the section ] [ the upper and lower sides of the tubed metallic mold 51 which present the shape of the bonded surface C3 of the workpiece 1 (1g, 1h, 1j) and the same shape ] The upper die part 54 and the Shimokane mold part 55 which are provided with the upper work coil 52 which presents the same shape as the bonded surface C3, and the lower work coil 53, respectively are allocated, and it is constituted.

[0044]As shown in drawing 15, in the weld processing part P3 and P4, the high frequency welding device 50, [ the workpiece 1 ] The lower work coil 53 laid under the lower work coil slot 59 drilled in the lower work coil base 58 in the upper work coil 52 laid under the upper work coil slot 57 drilled in the upper work coil base 56 in the upper die part 54, respectively, and the Shimokane mold part 55, While putting by the tubed metallic mold 51, the workpiece 1 twisted around the tubed metallic mold 51 is put in the weld processing part P3 and P4 by the upper work coil 52 and the lower work coil 53, and the tubed metallic mold 51. In the high frequency welding device 50, by the oscillation machine which is not illustrated to the upper work coil 52 and the lower work coil 53, it is supplying high frequency current and induction heating of the welding cutting parts 51a and 51b of the tubed metallic mold 51 is carried out. Here, while the welding cutting parts 51a and 51b have processed it in the shape of slant, the heat insulation of the tubed metallic mold 51 is carried out by covering the inside with the thermal insulation 60.

[0045]The high frequency welding device 50 constituted as mentioned above can prevent wrinkles from dissolving because the workpiece 1 twisted around the tubed metallic mold 51 contacts the tubed metallic mold 51, or occurring. Therefore, by the welding cutting parts 51a and 51b of the heated tubed metallic mold 51, the high frequency welding device 50 can carry out welding processing of the workpiece 1, and can fabricate a solid thing.

[0046]The high frequency welding device 50 can carry out welding processing of the solid thing of not only a box but complicated shape by changing the shape of the tubed metallic mold 51. As shown as a 2nd embodiment, the high frequency welding device 50 may form the heater of metal plate 33 grade between the upper work coil 52 and the lower work coil 53, and the tubed

metallic mold 51, and it may constitute it so that the workpiece 1 may be heated from the upper and lower sides. As shown as a 3rd embodiment, the high frequency welding device 50 may be constituted so that the temperature of the welding cutting parts 51a and 51b of the tubed metallic mold 51 may be measured. By this, the high frequency welding device 50 can perform welding processing of a solid thing efficiently and with high precision.

[0047]

[Effect of the Invention]As explained to details above, according to the high frequency welding device concerning this invention, the welding cutting part of a metallic mold is heated by high-frequency-induction heating, and welding processing is carried out. Therefore, since heating and cooling of a metallic mold can perform efficiently the high frequency welding device concerning this invention by performing supply of high frequency current, and interception to a work coil, it can perform welding work to a workpiece efficiently and with high precision.

[0048]Welding processing of the high frequency welding device concerning this invention can be carried out without being influenced by a dielectric constant, dielectric loss, etc. of a workpiece. Therefore, according to the high frequency welding device concerning this invention, welding processing not only of thermoplastics, such as polyvinyl chloride, but the thermoplastics, such as polyolefin system resin with difficult welding processing, can be carried out easily.

[0049]According to the high frequency welding device concerning this invention, like high frequency dielectric heating, since high frequency voltage is not directly impressed to a workpiece, welding work can be performed without generating a spark.

[0050]According to the high frequency welding device concerning this invention, since the portion to heat is restricted to a welding cutting part while not preheating a metallic mold before welding work, the handling of a metallic mold becomes simple and welding processing of solid things, such as a box, can be performed easily again.

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[Translation done.]

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12396269	
Filing Date	02-Mar-2009	
First Named Inventor	Jair NASCIMENTO	
Art Unit	2836	
Examiner Name	TIEN MAI	
Attorney Docket Number	5454-57	
Title	ISOLATING DEVICE FOR A POWER SEMICONDUCTOR AND METHOD FOR ITS OPERATION, POWER MODULE AND SYSTEM INSTALLATION	
<p>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.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>		
<p>Petition fee The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p><b>Issue Fee and Publication Fee :</b></p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<b>Drawing corrections and/ or other deficiencies.</b>		

- 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	/Roger S. Thompson/
Name	Roger S. Thompson
Registration Number	29594



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 11, 2012

In re Application of :

Jair NASCIMENTO

Application No : 12396269

Filed : 02-Mar-2009

Attorney Docket No : 5454-57

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic 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-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



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LAWRENCE S. COHEN, ESQ.  
LAW OFFICE OF LAWRENCE S. COHEN  
10960 WILSHIRE BLVD  
SUITE 1220  
LOS ANGELES CA 90024

**MAILED**  
**JUN 07 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Fereidoon Mohammadi :  
Application No. 12/396,306 : **DECISION ON PETITION**  
Filed: March 2, 2009 :  
Attorney Docket No. **08-117** :

This is a decision on the petition under the unintentional provisions of 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 in a timely manner to the non-final Office action mailed September 10, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 11, 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.

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

This application is being referred to Technology Center AU 1655 for appropriate action by the Examiner in the normal course of business.

  
JoAnne Burke  
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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**ARRIS GROUP, INC.  
3871 LAKEFIELD DRIVE  
SUWANEE GA 30024**

**MAILED**  
**JAN 24 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Carter et al. :  
Application No. 12/396,356 : **ON PETITION**  
Filed: March 2, 2009 :  
Attorney Docket No. 8300 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 16, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee of \$1860.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

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

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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WINSTON & STRAWN LLP  
PATENT DEPARTMENT  
1700 K STREET, N.W.  
WASHINGTON DC 20006

**MAILED**  
**DEC 19 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 8,058,254 :  
Issue Date: November 15, 2011 :  
Application No. 12/396,401 :  
Filed: March 2, 2009 :  
Attorney Docket No. 85189-7699 :

ON PETITION

This is a decision on the renewed petition filed December 6, 2011, which is being treated as a request under 37 CFR 3.81(b)<sup>1</sup> to change the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction

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

Charlema Grant  
Attorney Advisor  
Office of Petitions

<sup>1</sup> See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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Horizon IP Pte Ltd.  
7500A Beach Road, #04-306/308  
The Plaza  
Singapore 19959-1 SG SINGAPORE

**MAILED**  
**FEB 08 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Poon et al. :  
Application No. 12/396,441 : **ON PETITION**  
Filed: 03/02/2009 :  
Attorney Docket Number: :  
CSM P 2008 NAT 47 US 0 :

This is in response to the "PETITION FOR SUBMITTING COLOR PHOTOGRAPHS OR DRAWINGS", filed in the United States Patent and Trademark Office (USPTO) on March 2, 2009, which is treated as a Petition to Accept Color Drawings 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;<sup>1</sup>
- (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.

<sup>1</sup> 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 the color drawings are necessary because there are seven different regions in each image which cannot be differentiated if the images are rendered in black and white.

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. 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.

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 2812.

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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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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MILLEN WHITE ZELANO & BRANIGAN, P.C.  
SUITE 1400  
2200 CLARENDON BOULEVARD  
ARLINGTON VA 22201

**MAILED**  
**MAR 26 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
JoAnne McLaurin :  
Application No. 12/396,515 : DECISION GRANTING PETITION  
Filed: March 3, 2009 : UNDER 37 CFR 1.313(c)(3)  
Attorney Docket No. TTI-0002 :

This is a decision on the petition, filed March 23, 2012, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

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

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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DUNLAP CODDING, P.C.  
PO BOX 16370  
OKLAHOMA CITY, OK 73113

**MAILED**

**FEB 22 2011**

**OFFICE OF PETITIONS**

In re Application of  
Deloris Wood  
Application No. 12/396,585  
Filed: March 3, 2009  
Attorney Docket No. 8689.011

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed January 18, 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 7, 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 8, 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 3711 for further processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 11/28/10

TO SPE OF : ART UNIT 2831

SUBJECT : Request for Certificate of Correction for Appl. No.: 12396609 Patent No.: 7759579

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

**Certificates of Correction Branch (C of C)  
Randolph Square 9D40-D  
Palm Location 7580**

**You can fax the Directors/SPE response to 571-270-9990**

*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:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

/Jinhee Lee/ A.U. 2835

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**  
**SPE**

**Art Unit**



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**HONEYWELL INTERNATIONAL INC.  
PATENT SERVICES  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN NJ 07962-2245**

**MAILED  
JUL 21 2011  
OFFICE OF PETITIONS**

In re Application of :  
Pham et al. :  
Application No. 12/396,672 : DECISION GRANTING PETITION  
Filed: March 3, 2009 : UNDER 37 CFR 1.78(a)(3) AND  
Attorney Docket No. H0015658-B-4511 : UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 7, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The 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 Commissioner may require additional where there is a question whether the delay was unintentional.

The instant application was filed on March 3, 2009 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii). Additionally, the intermediate nonprovisional application was filed within twelve months of provisional Application No. 61/021,121, which was filed on January 15, 2008, for which priority is claimed.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii)

and 1.78(a)(5)(ii). See 35 U.S.C. § 120 and § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 120 and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications 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 the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant 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 instant application is entitled to the benefit of the earlier filing date.***

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

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

This matter is being referred to Technology Center Art Unit 1732 for appropriate action on the amendment submitted June 7, 2011, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed nonprovisional application, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions

| **ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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: 12/396,672, 03/03/2009, 1732, 2790, H0015658-B-4511, 40, 6

CONFIRMATION NO. 6769

CORRECTED FILING RECEIPT



128
HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

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)

- Hang T. Pham, Amherst, NY;
Daniel C. Merkel, West Seneca, NY;
Konstantin A. Pokrovski, Orchard Park, NY;
HsuehSung Tung, Getzville, NY;
Rajiv R. Singh, Getzville, NY;

Power of Attorney: The patent practitioners associated with Customer Number 000128

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/034,184 03/06/2008
and is a CIP of 12/338,466 12/18/2008 ABN
which claims benefit of 61/021,121 01/15/2008

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.)

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: 07/18/2011

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/396,672

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Azeotrope-Like Composition of 2-Chloro-3,3,3-Trifluoropropene (HCFC-1233xf) and Hydrogen Fluoride (HF)

**Preliminary Class**

252

**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).

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12396761	
Filing Date	03-Mar-2009	
First Named Inventor	DAVID CROOK	
Art Unit	3775	
Examiner Name	ANDREW YANG	
Attorney Docket Number	33939/13	
Title	SURGICAL POSITIONING ASSEMBLY AND ASSOCIATED SPINAL IMPLANT DEVICE AND SURGICAL METHODS	
<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

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 13, 2012

In re Application of :

DAVID CROOK

Application No : 12396761

Filed : 03-Mar-2009

Attorney Docket No : 33939/13

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



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HERSHKOVITZ & ASSOCIATES, LLC  
2845 DUKE STREET  
ALEXANDRIA VA 22314

**MAILED**

**JAN 27 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Cho et al. :  
Application No. 12/396,836 : ON PETITION  
Filed: 03/03/2009 :  
Attorney Docket Number: PW2081604 :

This is in response to the Petition to Accept Color Drawings under 37 CFR 1.84(a)(2), received in the United States Patent and Trademark Office (USPTO) on May 26, 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;<sup>1</sup>
- (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.

<sup>1</sup> 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 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."

Petitioner asserts that "color photograph drawings are necessary in order to properly illustrate the simulation result for comparison of the present invention and the system with coupled design, the multi views of a micro chip in five different directions, and the microassembly experiment result using the present invention in accordance with the embodiment of the present invention."

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings are not the only practical medium by which to disclose the subject matter sought to be patented, and are not necessary for an understanding 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

A reply may also be filed via EFS-Web.

The application is referred to Technology Center Art Unit 2872.

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

**MAILED**  
JAN 13 2011  
OFFICE OF PETITIONS

In re Application of :  
Takashi Kyono, et al. :  
Application No. 12/396,858 :  
Filed: March 3, 2009 :  
Attorney Docket No. 87136-268813 :  
DECISION GRANTING PETITION  
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 12, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on December 8, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> *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.
12/396,891	03/03/2009	MASAHARU HIRAOKA	J-09-0111	7143
71799	7590	02/15/2011	EXAMINER	
Mr. Jackson Chen 6535 N. STATE HWY 161 IRVING, TX 75039			AHMED, SAMIR ANWAR	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			02/15/2011	ELECTRONIC

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

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

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

jackson.chen@necam.com  
KENSAKU.SATO@NECAM.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

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MR. JACKSON CHEN  
6535 N. STATE HWY 161  
IRVING TX 75039

In re Application of :  
HIRAOKA, MASAHARU, et al. :  
Application No. 12/396891 :  
Filed: March 3, 2009 :  
Attorney Docket No. J-09-0111 :  
: DECISION ON REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 17, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/ Daniel Swerdlow /

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Daniel Swerdlow  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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

**MAILED**

**SEP 2 0 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Tse-Hsien YEH	:	
Application No. 12/396,934	:	<b>DECISION ON PETITION</b>
Filed: March 3, 2009	:	<b>TO WITHDRAW</b>
Attorney Docket No. 5234-0272PUS1	:	<b>FROM RECORD</b>
	:	

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 17, 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 Paul C. Lewis, on behalf of the attorneys of record associated with Customer No. 02292

The attorneys of record associated with Customer No. 02292 have been withdrawn.

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

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

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

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

cc: TSE-HSIEN YEH  
NO. 20, ALLEY 218, LANE 75  
SEC. 3, KANGNING ROAD,  
NEIHU DISTRICT  
TAIPEI CITY  
TAIWAN R.O.C.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/396,934	03/03/2009	Tse-Hsien YEH	5234-0272PUS1

CONFIRMATION NO. 7218

POWER OF ATTORNEY NOTICE

2292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747



Date Mailed: 09/17/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/17/2010.

- 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



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MICRON TECHNOLOGY, INC.  
8000 FEDERAL WAY  
MAIL STOP 525  
BOISE, ID 83707-0006

**MAILED**

SEP 29 2011

In re Application of : **OFFICE OF PETITIONS**  
Xiaolong Fang et al :  
Application No. 12/396,952 : **DECISION GRANTING PETITION**  
Filed: March 3, 2009 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. 2005-0528.01/US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 27, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid on September 23, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

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

This matter is being referred to Technology Center AU 2813 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

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<sup>1</sup> 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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**BIRCH STEWART KOLASCH & BIRCH**  
**PO BOX 747**  
**FALLS CHURCH VA 22040-0747**

**MAILED**  
**MAR 26 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Naoki Kusunoki :  
Application No. 12/396,981 : DECISION GRANTING PETITION  
Filed: March 3, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 0879-1100PUS1 :

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 27, 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.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2883 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

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<sup>1</sup> 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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**MAILED**  
**OCT 26 2010**  
**OFFICE OF PETITIONS**

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

In re Application of :  
Alan ROUSE :  
Application No. 12/397,004 : **DECISION ON PETITION**  
Filed: March 3, 2009 : **TO WITHDRAW**  
Attorney Docket No. 43314/366915 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 4, 2010.

The request is **NOT APPROVED**.

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

In this regard, the request to withdraw from record cannot be approved because the request does not include the correspondence address of an assignee who has been properly made of record under 37 CFR 3.71.

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

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

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

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

Cc: TANDBERG TELEVISION, INC.  
4500 RIVER GREEN PARKWAY,  
SUITE 110  
DULUTH, GA 30096



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United States Patent and Trademark Office  
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**MAILED**  
**JUN 07 2011**  
**OFFICE OF PETITIONS**

Lindsay McGuinness  
Hologic Inc.  
250 Campus Drive  
Marlborough, MA 01752

In re Application of Stein et al. :  
Application No. 12/397,013 : Decision Dismissing Petition  
Filing Date: March 3, 2009 : Under 37 CFR 1.78(a)(3)  
Attorney Docket No. 19.048011CIP :

This is a decision on the petition under 37 CFR 1.78(a)(3) filed March 14, 2011.

The petition is **DISMISSED**

**Background**

The specification filed March 3, 2009, stated,

This application is a continuation-in-part and claims priority under 35 U.S.C. §120 to U.S. Patent Application serial number 11/791,601, filed 11/23/2005.

A July 13, 2009 amendment changed the priority claim language in the specification by replacing "11/23/05" with "2/22/2008." In other words, the specification was amended to state,

This application is a continuation-in-part and claims priority under 35 U.S.C. §120 to U.S. Patent Application serial number 11/791,601, filed 2/22/08.

The petition states,

The benefit claim should read as follows:

This application is a continuation-in-part and claims priority under 35 U.S.C. 120 to U.S. Patent Application Serial No. 11/791,601, filed November 22, 2008, now granted and is a continuation-in-part and claims priority under 35 U.S.C. to U.S. Patent Application Serial No. 10/723,486, filed November 26, 2003, now granted, which is a continuation-in-part and claims priority under 35 U.S.C. 120 to U.S. Application Serial No. 10/305,480, filed November 27, 2002, now granted.

The amendment filed with the petition includes a page stating,

Please replace paragraph [0001] with the following:

This application is a continuation-in-part and claims priority under 35 U.S.C. 120 to U.S. Patent Application serial number 11/791,601, filed 11/22,2008 (sic) and is a continuation-in-part and claims priority under 35 U.S.C. 120 to U.S. Patent Application serial number 10/723,486 filed 11/26/2003.

### Discussion

The petition requests the acceptance of two late priority claims. Specifically, the petition requests acceptance of a priority claim directly to Application No. 10/723,486, and a priority claim indirectly to Application No. 10/305,480. However, the amendment filed with the petition only includes language adding one late priority claim.

Any request for reconsideration should:

1. Include an amendment or supplemental application data sheet setting forth a priority claim to Application No. 10/305,480, or
2. Clearly indicate Applicants do not wish to claim priority to Application No. 10/305,480.

The petition and the accompanying amendment identify the filing date as November 22, 2008. Technically, the correct filing date for Application No. 11/791,601 is November 23, 2005, since the application is the national stage of an international application with a filing date of November 23, 2005. However, the Office does *not* recommend Applicants simply change the specification to indicate the instant application is a CIP “of Application No. 11/791,601, filed November 23, 2005.” Instead, the Office *strongly* recommends Applicants file an amendment replacing the priority language in the specification pertaining to Application No. 11/791,601 with the following language:

This application is a continuation-in-part of Application No. 11/791,601, which is the National Stage of International Application No. PCT/US2005/042613, filed November 23, 2005.

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.<sup>1</sup> 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

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<sup>1</sup> General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

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

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

Any questions concerning this matter may be directed to Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
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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Weaver Austin Villeneuve & Sampson LLP  
P.O. BOX 70250  
OAKLAND CA 94612-0250

**MAILED**  
SEP 30 2011  
OFFICE OF PETITIONS

In re Application of :  
Brian J. Waibel, et al. :  
Application No. 12/397,048 : DECISION GRANTING PETITION  
Filed: March 3, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. DNSPP003US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 29, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on September 22, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

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

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> 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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**MAILED**

SEP 29 2010

**OFFICE OF PETITIONS**

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

In re Application of :  
Tchao et al. : DECISION NOTING JOINDER OF  
Application No. 12/397,061 : INVENTOR AND PETITION  
Filed: March 3, 2009 : UNDER 37 CFR 1.47(a)  
Attorney Docket No. 215127.01308 :

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 19, 2010.

The petition is **DISMISSED AS MOOT**.

Papers filed on July 19, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed June 30, 2010, included a Joint Declaration for Patent Application signed by a previously non-signing inventor, Christopher A. Robinette, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center AU 3764 for examination on the merits.

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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Casmir Jones, S.C.  
2275 Deming Way, Suite 310  
Middleton, WI 5362

**MAILED**

APR 05 2011

**OFFICE OF PETITIONS**

In re Application of :  
Jaime C. Reed :  
Application No. 12/397,072 :  
Filed: March 3, 2009 :  
Attorney Docket No. MONME-30357/US-2/ORD :

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 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. 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 Tyler J. Sisk 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 Jaime Reed at the address indicated below.

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: **Jaime Reed**  
**909 Perkins Drive**  
**Mukwonago, WI 53149**



UNITED STATES PATENT AND TRADEMARK 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
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12/397,072

03/03/2009

Jaime C. Reed

MONME-30357/US-2/ORD  
**CONFIRMATION NO. 7425**

72960  
Casimir Jones, S.C.  
2275 DEMING WAY, SUITE 310  
MIDDLETON, WI 53562

**POWER OF ATTORNEY NOTICE**



Date Mailed: 04/04/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/17/2011.

- 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.

/tsjohnson/

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



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Paper No.

KOLISCH HARTWELL, P.C.  
200 PACIFIC BUILDING  
520 SW YAMHILL STREET  
PORTLAND OR 97204

**MAILED**  
**JAN 18 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Stabler et al. :  
Application No. 12/397,109 : DECISION ON PETITION  
Filed: March 3, 2009 : PURSUANT TO 37 C.F.R.  
Attorney Docket Number: : § 1.137(B)  
SPY.302CON3 :  
Title: HEART PARAMETER MONITOR :  
:

This is a decision on the petition filed December 14, 2011, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The 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 non-final Office action, mailed September 14, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 15, 2010. A notice of abandonment was mailed on March 29, 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 and the proper statement of unintentional delay. Petitioner has further indicated that a continuation application has been filed.

Office records confirm that continuation application no. 13/326,171 was filed on December 14, 2011.

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.<sup>1</sup>

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation application number 13/326,171.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>2</sup> All other inquiries concerning examination procedures should be directed to the Technology Center.



Paul Shanowski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> See Rule 1.137(d).

<sup>2</sup> 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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PROSKAUER ROSE LLP  
ONE INTERNATIONAL PLACE  
BOSTON, MA 02110

**MAILED**

**APR 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Stephan Levine, et al. :  
Application No. 12/397,155 : DECISION GRANTING PETITION  
Filed: March 3, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. ASX-066C1 :

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

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on April 6, 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.<sup>1</sup>***

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

This application is being referred to Technology Center AU 2886 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

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

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

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (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: CEP08331

Application Number (if known): 12/397,158

Filing date: March 3, 2009

First Named Inventor: Ru Chen

Title: RIGIDITY & INPLANE ELECTROLYTE MOBILITY ENHANCEMENT FOR FUEL CELL ELECTROLYTE MEMBRANES

**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 / John D. Russell/

Date May 12, 2011

Name John D. Russell  
(Print/Typed)

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 1.13 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 : Ru Chen et al.  
Application No. : 12/397,158  
Filed : March 3, 2009  
Title : RIGIDITY & INPLANE ELECTROLYTE MOBILITY  
ENHANCEMENT FOR FUEL CELL ELECTROLYTE  
MEMBRANES  
Group Art Unit : 1726  
Confirmation No. : 7573  
Docket No. : CEP08331

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:

May 12, 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 bases: (1) 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 consumption of fossil fuels. Specifically, the claimed invention reduces fuel cell membrane deformation, thus increasing the efficiency and longevity of the fuel cell. 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. As explained in the Background and Summary of the subject application, some fuel cells include a membrane-electrolyte assembly (MEA), in which a substantially solid electrolyte membrane is bonded on both sides to catalyzed electrode materials, e.g. catalyzed carbon fiber paper or cloth. The membrane-electrode assembly may be disposed between opposing flow-field plates that supply reactant gases (hydrogen and air, for example) to the catalyzed electrode materials. The assembly may be held together via a compressive force applied to the flow-field plates, the compressive force being sufficient to increase electrical conduction at the interface of the electrode and the flow field plate. In addition, this compression provides a sealing function which may prevent the escape of the reactant gasses from their predetermined flow paths and may further prevent overboard leakage.

The flow-field plates, where they contact the membrane-electrode assembly, may be substantially planar, but may include a plurality of flow channels through which reactant gasses are distributed. Thus, the flow-field plates may have a structured topology, through which an inhomogeneous compressive force is applied to the electrolyte membrane. In addition, the catalyzed electrode materials themselves may have a structured topology on the microscale, further contributing inhomogeneity to the compressive force applied to the membrane.

At elevated temperatures present in some fuel cells, the inhomogeneous compressive force applied to the membrane-electrode assembly may cause the membrane to deform (i.e., to creep). Depending on conditions, membrane creeping may be observed to some degree even at relatively low temperatures. The effects of membrane creeping may range from minor losses in fuel cell performance to complete failure, wherein loss of membrane integrity may allow contact between the electrodes or mixing of reactant gasses. The claimed invention addresses this issue by providing a membrane-electrode

assembly that imparts structural rigidity while enabling ionic conductance. For example, claim 1 recites:

A membrane-electrode assembly comprising:  
a catalyzed anode material;  
a membrane disposed in face-sharing contact with the catalyzed anode material, the membrane comprising mutually interpenetrating first and second phases, the first phase supporting an ionic conduction through the membrane, and the second phase supporting a dimensional structure of the membrane; and  
a catalyzed cathode material disposed in face-sharing contact with the membrane, opposite the catalyzed anode material.

In this way, the first phase may provide ionic conduction while the second phase may provide structural rigidity. The phases may be mutually interpenetrating, that is they may comprise material phases of different and substantially constant composition, neither mixing with each other to form a single, homogeneous phase (a solution) nor separating into layers. Therefore, both ionic conductivity and structural rigidity may be provided by different phases, and creep due to an inhomogeneous compressive force of the fuel cell flow plates may be lessened or avoided. By avoiding membrane creep, the performance efficiency and the operational lifetime of the fuel cell can be extended. Because fuel cells can utilize non-fossil fuels such as hydrogen and methanol, extending the amount of time a fuel cell is operational 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.
12/397,158	03/03/2009	Ru Chen	CEP08331	7573
50488	7590	05/25/2011	EXAMINER	
ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP 806 SW BROADWAY SUITE 600 PORTLAND, OR 97205-3335			THOMAS, BRENT C	
			ART UNIT	PAPER NUMBER
			1726	
			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.

Best Available Copy



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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	:	
Chen et al.	:	DECISION ON PETITION
Application No. 12/397,158	:	TO MAKE SPECIAL UNDER
Filed: 3/3/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. CEP08331	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 5/12/2011, 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 1726 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](http://www.uspto.gov)

**THE CLOROX COMPANY  
P.O. BOX 24305  
OAKLAND CA 94623-1305**

**MAILED  
AUG 31 2010  
OFFICE OF PETITIONS**

In re Application of :  
Shimmin et al. :  
Application No. 12/397,164 : **ON PETITION**  
Filed: March 3, 2009 :  
Attorney Docket No. 680.72C :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 27, 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 now supplied (1) the complete reply to the Notice to File Missing Parts with the signed Oath/Declaration, (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 1796 for examination on the merits.

Liana Walsh  
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: 12/397,225 Filing date: September 9, 2010

First Named Inventor: Gary Bernard Jabara and Christos Karmis

Title of the Invention: System and Method for Direct Communication Between Wireless Communication Devices

**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: PCZT/US2010/025949

The international date of the corresponding PCT application(s) is/are: 03/10/2010

**I. List of Required Documents:**

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

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

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

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

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



## PATENT COOPERATION TREATY

RECEIVED

From the INTERNATIONAL SEARCHING AUTHORITY

To: DONOHUE MICHAEL J.  1201 THIRD AVENUE, SUITE 2200 SEATTLE WA 98101- 3045 USA
--

PCT

SEP 23 2010  
DWTNOTIFICATION 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) 16 SEPTEMBER 2010 (16.09.2010)	
Applicant's or agent's file reference 102802-001WO	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US2010/025949	International filing date (day/month/year) 02 MARCH 2010 (02.03.2010)
Applicant MOBILITIE, LLC et al	

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
 For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3.  With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
 the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest, the applicant will be notified as soon as a decision is made.

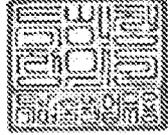
## 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 30 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](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer  COMMISSIONER  Telephone No. 82-42-481-8753	
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\* 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 : **SR5GQ2M3**

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: [ipke@ipkcenter.com](mailto:ipke@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 102802-001 WO	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2010/025949</b>	International filing date ( <i>day/month/year</i> ) <b>02 MARCH 2010 (02.03.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) <b>03 MARCH 2009 (03.03.2009)</b>
Applicant <b>MOBILITIE, LLC et al</b>		

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. 4

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/US2010/025949

## A. CLASSIFICATION OF SUBJECT MATTER

*H04W 88/06(2009.01); H04W 8/20(2009.01)*

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)

H04W 88/06; G06F 15/16; H04Q 7/38; H04Q 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

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) &amp; Keywords: profile, match, short-range network, mobile device

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2008-0215689 A1 (PIETILA ILMO) 04 September 2008 See Fig.5, paragraph 4, 10-15, 32, 33, 37	1, 25, 28, 44
Y	EP 1434459 A2 (NOKIA CORPORATION) 30 June 2004 See Fig.2, paragraph 14, 27, 28, 47, 50, 52	1, 25, 28, 44
A	US 7249182 B1 (TOMI HEINONEN et al.) 24 July 2007 See abstract	1-58
A	US 7254406 B2 (SIMAN BEROS et al.) 07 August 2007 See abstract	1-58

 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

"&amp;" document member of the same patent family

Date of the actual completion of the international search

16 SEPTEMBER 2010 (16.09.2010)

Date of mailing of the international search report

16 SEPTEMBER 2010 (16.09.2010)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

CHANG, Kyung Tae

Telephone No. 82-42-481-5988



## INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2010/025949

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2008-0215689 A1	04.09.2008	EP 1942455 A1	09.07.2008
EP 1434459 A2	30.06.2004	AU 2000-67791 A1	19.03.2001
		AU 6779100 A	19.03.2001
		DE 60010290 D1	03.06.2004
		EP 1212910 A1	12.06.2002
		EP 1212910 B1	28.04.2004
		EP 1434459 A3	25.08.2004
		US 2004-002348 A1	01.01.2004
		US 2008-0026774 A1	31.01.2008
		US 2009-325553 A1	31.12.2009
		US 6549768 B1	15.04.2003
		US 7280822 B2	09.10.2007
		WO 01-15480 A1	01.03.2001
US 7249182 B1	24.07.2007	AT 352069 T	15.02.2007
		AU 2003-248365 A1	09.09.2003
		DE 60311237 D1	08.03.2007
		EP 1483679 B1	17.01.2007
		JP 04-276083 B2	13.03.2009
		JP 2005-519372 A	30.06.2005
		US 2005-0281237 A1	22.12.2005
		WO 03-073304 A1	04.09.2003
US 7254406 B2	07.08.2007	US 2004-009750 A1	15.01.2004

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
DONOHUE MICHAEL J.  
  
1201 THIRD AVENUE, SUITE 2200 SEATTLE WA 98101-  
3045 USA

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **16 SEPTEMBER 2010 (16.09.2010)**

Applicant's or agent's file reference  
102802-001WO

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.

**PCT/US2010/025949**

International filing date (day/month/year)

**02 MARCH 2010 (02.03.2010)**

Priority date(day/month/year)

03 MARCH 2009 (03.03.2009)

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

*H04W 88/06(2009.01)I, H04W 8/20(2009.01)I*

Applicant

**MOBILITIE, LLC 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/IR  
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

16 SEPTEMBER 2010 (16.09.2010)

Authorized officer

CHANG, Kyung Tae

Telephone No. 82-42-481-5988



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2010/025949

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/US2010/025949**

**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	1-58	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	2-24,26-27,29-43,45-58	YES
	Claims	1,25,28,44	NO
Industrial applicability (IA)	Claims	1-58	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 2008-0215689 A1 (PIETILA ILMO) 04 September 2008  
 D2: EP 1434459 A2 (NOKIA CORPORATION) 30 June 2004  
 D3: US 7249182 B1 (TOMI HEINONEN et al.) 24 July 2007  
 D4: US 7254406 B2 (SUMAN BEROS et al.) 07 August 2007

**1. Novelty and Inventive Step**

**1.1. Claims 1-14**

The subject matter of claim 1 differs from D1 in that a profile data storage area is configured to store first and second portions of user profile data. D2 discloses a contents of an Internet user page. It would be obvious to a person skilled in the art to combine the feature of D1 with the contents of user page of D2, thereby arriving at claim 1 of the present invention.

Therefore, claim 1 lacks an inventive step over D1 and D2 under PCT Article 33(3). The additional feature of dependent claims 2-14 is not disclosed in any of the documents, nor is it obvious to a person skilled in the art. Accordingly, claim 2-14 are novel and involve an inventive step under PCT Article 33(2) and (3).

**1.2. Claims 15-24**

The subject matter of claim 15 differs from these prior art documents in that a system for communication between a plurality of wireless communication devices via a wireless access point, a plurality of wireless communication devices each have a first transceiver; a second transceiver; a controller; and the controller detecting the presence of the wireless access point and receiving an indication of a second of the plurality of wireless communication devices already registered with the wireless access point. Claim 15 would not be obvious to a person skilled in the art.

Therefore, claim 15 meets the requirements of PCT Article 33(2)-33(3) in respect of novelty and inventive step.

Claims 16-24 are directly or indirectly dependent on claim 15. Thus, claims 16-24 also meet the requirements of PCT Article 33(2)-33(3) in respect of novelty and inventive step.

**1.3. Claim 25-27**

The subject matter of claim 25 differs from D1 in that a profile data storage area is configured to store first and second portions of user profile data. D2 discloses a contents of an Internet user page. It would be obvious to a person skilled in the art to combine the feature of D1 with the contents of user page of D2, thereby arriving at claim 25 of the present invention.

Therefore, claim 25 lacks an inventive step over D1 and D2 under PCT Article 33(3).

The additional feature of dependent claims 26, 27 is not disclosed in any of the documents, nor is it obvious to a person skilled in the art.

Continued on Supplemental Box

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2010/025949

Supplemental Box

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

Box V

Accordingly, claims 26, 27 are novel and involve an inventive step under PCT Article 33(2) and (3).

**1.4. Claim 28-30**

The subject matter of claim 28 differs from D1 in transferring the extracted user-related data to a web page and accessing the web page. D2 discloses each server receives and stores matching profile. It would be obvious to a person skilled in the art to combine the feature of D1 with server having matching profile of D2, thereby arriving at claim 28 of the present invention.

Therefore, claim 28 lacks an inventive step over D1 and D2 under PCT Article 33(3).

The additional feature of dependent claims 29, 30 is not disclosed in any of the documents, nor is it obvious to a person skilled in the art.

Accordingly, claims 29, 30 are novel and involve an inventive step under PCT Article 33(2) and (3).

**1.5. Claim 31-43**

The subject matter of claim 31 differs from these prior art documents in that a communication method for use with first and second wireless communication devices configured to communicate directly with a wireless communication network and to communicate with a network access point, the method comprises the first wireless communication device searching for a wireless access point with which to connect; upon connection with the wireless access point; and establishing a wireless communication link with between the first and second wireless communication devices. Claim 31 would not be obvious to a person skilled in the art.

Therefore, claim 31 meets the requirements of PCT Article 33(2)-33(3) in respect of novelty and inventive step.

Claims 32-43 are directly or indirectly dependent on claim 31. Thus, claims 32-43 also meet the requirements of PCT Article 33(2)-33(3) in respect of novelty and inventive step.

**1.6. Claim 44-58**

The subject matter of claim 44 differs from D1 in transferring the extracted user-related data to a web page and accessing the web page. D2 discloses each server receives and stores matching profile. It would be obvious to a person skilled in the art to combine the feature of D1 with server having matching profile of D2, thereby arriving at claim 44 of the present invention.

Therefore, claim 44 lacks an inventive step over D1 and D2 under PCT Article 33(3).

The additional feature of dependent claims 45-58 is not disclosed in any of the documents, nor is it obvious to a person skilled in the art.

Accordingly, claims 45-58 are novel and involve an inventive step under PCT Article 33(2) and (3).

**2. Industrial Applicability**

The subject matter of claims 1-58 is industrially applicable, and thus the claims 1-58 meet the requirements of PCT Article 33(4).

## CLAIMS

The invention claimed is:

- 5           1.     A communication system comprising:  
a plurality of wireless communication devices each having:  
          a first transceiver configured to communicate with a wireless  
communication network;  
          a second transceiver configured to communicate other than with  
10       the wireless communication network;  
          a controller configured to control operation of the second  
transceiver; and  
          a profile data storage area configured to store first and second  
portions of user profile data;  
15       wherein the controller in a first of the plurality of wireless communication  
devices is configured to detect the presence of a second of the plurality of wireless  
communication devices in a location proximate the first wireless communication device,  
the controller in the first wireless communication device being further configured to  
analyze the second portion of the user profile data received from the second wireless  
20       communication device and the first portion of user profile data stored in the profile data  
storage area of the first wireless communication device to determine if there is a match  
between the first portion of user profile data stored in the profile data storage area of  
the first wireless communication device and the second portion of user profile data  
received from the second wireless communication device.
- 25           2.     The system of claim 1 wherein the second transceiver is a short-  
range non-network transceiver to permit direct communication between first wireless  
communication device and the second wireless communication device.
- 30           3.     The system of claim 1, further comprising a wireless access point  
wherein the second transceiver is a short-range transceiver configured to permit direct  
communication between first wireless communication device and the second wireless  
communication device via the wireless access point.

4. The system of claim 3 wherein the controller in a first wireless communication device is further configured to detect the presence of the wireless access point and, if performing a registration operation with the detected wireless access point, receiving an indication of the second wireless communication device already registered with the wireless access point wherein the first registered wireless communication device is configured to establish a wireless communication link with the second registered wireless communication device to receive the second portion of the user profile data from the second wireless communication device via the wireless access point.

5. The system of claim 1 wherein the controller in the first wireless communication device is further configured to provide a match indication if the controller in the first wireless communication device determines there is a match between the first portion of user profile data stored in the profile data storage area of the first wireless communication device and the second portion of user profile data received from the second wireless communication device.

6. The system of claim 1, further comprising a user-operable input device on the first wireless communication device to permit entry of the first and second portions of the user profile data via the user-operable input device.

7. The system of claim 1 wherein first transceiver in the first wireless communication device is configured to receive the first and second portions of the user profile data from the wireless communication network.

8. The system of claim 1 wherein the received portion of the user profile data in the user profile data storage area from the second wireless communication device includes a web-link indicating a network location associated with a user of the second wireless communication device, the controller in the first wireless communication device being further configured to pass the received web-link to the first transceiver in the first wireless communication device for transmission to the wireless communication network.

9. The system of claim 1 wherein the controller in the first wireless communication device is further configured to download a contact list from an external data source via the first transceiver in the first wireless communication device, and to store at least a portion of the downloaded contact list in the user profile data storage area in the first wireless communication device.

10. The system of claim 9 wherein the external data source is a social network web page of a user of the first wireless communication device.

11. The system of claim 9 wherein the controller in the first wireless communication device is further configured to analyze the received portion of the user profile data from the user profile data storage area in the second wireless communication device and the stored portion of the downloaded contact list in the first portion of the user profile data storage area in the first wireless communication device to determine if there is a match.

12. The system of claim 1 wherein the controller in the second wireless communication device is configured to analyze the received second portion of the user profile data from the first wireless communication device and the first portion of user profile data stored in the profile data storage area of the second wireless communication device to determine if there is a match between the first portion of user profile data stored in the profile data storage area of the second wireless communication device and the second portion of user profile data received from the first wireless communication device.

13. The system of claim 1 wherein a communication link is established between the second transceivers in the first and second wireless communication devices, respectively, and the controller in the first wireless communication device is further configured to automatically extract a portion of the data stored in the profile data storage area of the second wireless communication device upon establishment of the wireless communication link and to transfer the extracted data portion to a web page associated with a user of the first wireless communication device.

14. The system of claim 13 wherein the first transceiver is further configured to transmit the extracted data portion to the web page associated with a user of the first wireless communication device using the wireless communication network.

5 15. A system for communication between a plurality of wireless communication devices via a wireless access point, comprising:

a plurality of wireless communication devices each having:

a first transceiver configured to communicate directly with a wireless communication network;

10 a second transceiver configured to communicate with a wireless access point;

a controller configured to control operation of the wireless device; and

15 a profile data storage area configured to store first and second portions of user profile data;

the controller in a first of the plurality of wireless communication devices detecting the presence of the wireless access point and, if performing a registration operation with the detected wireless access point, receiving an indication of a second of the plurality of wireless communication devices already registered with the wireless  
20 access point wherein the first registered wireless communication device is configured to establish a wireless communication link with the wireless access point.

16. The system of claim 15 wherein the second transceiver in the first registered wireless communication device is further configured to receive the second  
25 portion of the profile data stored in the profile data storage areas of the second wireless communication device via the wireless access point, the controller in the first wireless communication device being configured to analyze the second portion of the user profile data received from the second wireless communication device and the first portion of user profile data stored in the profile data storage area of the first wireless  
30 communication device to determine if there is a match between the first portion of user profile data stored in the profile data storage area of the first wireless communication device and the second portion of user profile data received from the second wireless communication device.

17. The system of claim 16 wherein the second transceiver in the second registered wireless communication device is further configured to receive the second portion of the profile data stored in the profile data storage areas of the first wireless communication device via the wireless access point, the controller in the  
5 second wireless communication device being configured to analyze the second portion of the user profile data received from the first wireless communication device and the first portion of user profile data stored in the profile data storage area of the second wireless communication device to determine if there is a match between the first portion  
10 of user profile data stored in the profile data storage area of the second wireless communication device and the second portion of user profile data received from the first wireless communication device.

18. The system of claim 15, further comprising a data storage area associated with the wireless access point wherein the wireless access point data  
15 storage area is configured to receive and store the first and second portions of the user profile data from the profile data storage area of each of the plurality of wireless communication devices transmitted from each of the plurality of wireless communication devices to the wireless access point.

19. The system of claim 18, further comprising a controller associated with the wireless access point configured to analyze the stored first portion of the user profile data for the first wireless device and the stored second portion of the user profile data from the second wireless communication device to thereby determine if there is a  
20 match between the stored first portion of the user profile data from the first wireless device and the stored second portion of the user profile data of the second wireless  
25 communication device, the controller generating a match indicator to thereby indicate a match resulting from the analysis between the stored first portion of the user profile data from the first wireless device and the stored second portion of the user profile data from the second wireless device.

20. The system of claim 15, further comprising a network interface controller to couple the wireless access point to a network server wherein the network interface controller is configured to receive the second portion of the user profile data  
30

for the second wireless communication device stored in the network server in association with the second wireless communication device.

21. The system of claim 20 wherein the wireless access point receives  
5 the first portion of the user profile data from the first wireless communication device, the system further comprising a controller associated with the wireless access point configured to analyze the received first portion of the user profile data for the first  
wireless communication device and the second portion of the user profile data for the  
second wireless communication device received from the network server, the controller  
10 generating a match indicator to thereby indicate a match resulting from the analysis of the received first portion of the user profile data for the first wireless communication device and the second portion of the user profile data for the second wireless communication device received from the network server.

22. The system of claim 15, further comprising a network interface  
15 controller to couple the wireless access point to a network server wherein the network interface controller is configured to transmit the first and second portions of the user profile data from the profile data storage areas of the first and second wireless communications devices, respectively, to the network server, the network server being  
20 configured to store first and second portions of the user profile data for the first wireless communication device and the first and second portions of the profile data for the second wireless communication device in association the first and second wireless communications devices, respectively.

23. The system of claim 22, further comprising a controller associated  
25 with the network server configured to analyze the stored first portion of the user profile data for the first wireless communication device and the stored second portion of the user profile data for the second wireless communication device, the controller generating a match indicator to thereby indicate a match resulting from the analysis  
30 between the stored first portion of the user profile data for the first wireless communication device and the stored second portion of the user profile data for the second wireless communication device.

24. The system of claim 15 wherein the profile data storage area of each of the plurality of wireless communication devices is configured to store user-selectable profile data in the first portion of the profile data storage area and user-selectable preference data in the second portion of the profile data storage area, the  
5 controller of the first wireless communication device being configured to receive the first portion of the user profile data from the second wireless communication device via the wireless access point, and to analyze the first portion of the user profile data associated with the user of the second wireless communication device and the user-selectable preference data associated with the user of the first wireless communication device to  
10 determine if there is a match between the user-selectable preference data associated with the user of the first wireless communication device and the first portion of the user profile data associated with the user of the second wireless communication device.

25. A communication system comprising:  
15 a first wireless communication device having:  
first communication means for establishing a communication link;  
first control means for controlling operation of the first wireless communication device; and  
first data storage means for storing first and second portions of  
20 user profile data for a user of the first wireless communication device;  
a second wireless communication device having:  
second communication means for establishing a communication link;  
second control means for controlling operation of the second  
25 wireless communication device;  
second data storage means for storing first and second portions of user profile data for a user of the second wireless communication device, wherein the first control means is configured to detect the presence of the second wireless communication device in a location proximate the first  
30 wireless communication device and to establish a communication link therewith; and  
analyzer means for analyzing the second portion of the user profile data received from the second data storage means and the first portion of

user profile data received from the first data storage means to determine if there is a match therebetween.

5           26.    The system of claim 25 wherein the first and second means for establishing a communication link comprises a short-range transceiver the first and second wireless communication devices, respectively, to establish a direct communication link between the first wireless communication device and the second wireless communication device.

10           27.    The system of claim 25, further comprising a network access point wherein the means for establishing a communication link comprises a transceiver in the first and second wireless communication devices, respectively, to establish a communication link between the first wireless communication device and the second wireless communication device via the network access point.

15           28.    A system for processing data from a wireless communication device, comprising:  
              means for storing user-related data in a storage location of a first wireless communication device;  
20            means for establishing a wireless communication link between the first wireless communication device and a second wireless communication device;  
              means for extracting the user-related data in the storage location of the first wireless communication device upon establishment of the wireless communication link;  
25            means for transferring the extracted user-related data to a web page associated with a user of the second wireless communication device;  
              means for storing the transferred data in a storage location associated with the web page; and  
              means for accessing the web page to retrieve the stored transferred data.

30           29.    The system of claim 28 wherein the means for establishing a communication link comprises a short-range transceiver in each of the first and second wireless communication devices to establish a direct communication link between the first wireless communication device and the second wireless communication device.

30. The system of claim 28, further comprising a network access point wherein the means for establishing a communication link comprises a transceiver in each of the first and second wireless communication devices to establish a  
5 communication link between the first wireless communication device and the second wireless communication device via the network access point.

31. A communication method for use with first and second wireless communication devices configured to communicate directly with a wireless communication network and to communicate with a network access point, the method  
10 comprising:

the first wireless communication device searching for a wireless access point with which to connect;

upon connection with the wireless access point, receiving an indication that the second wireless communication device is also connected to the wireless  
15 access point; and

establishing a wireless communication link with between the first and second wireless communication devices to exchange data via the wireless access.

32. The method of claim 31 wherein the exchanged data comprises user profile data and the method further comprises:

the first wireless communication device receiving the user profile data from the second wireless communication device via the wireless access point; and

the first wireless communication device analyzing the received user profile data and a user preference portion of the profile data of the first wireless  
25 communication device to thereby determine if there is a match between the user profile data of the second wireless communication device and the user preference data of the first wireless communication device.

33. The method of claim 33 for use with a network server storing  
30 additional user data for the first and second wireless communication devices, respectively, in a data storage area associated with the network server wherein the exchanged data comprises identification data, the method further comprising:

if the analysis indicates a match, the wireless access point transmitting the identification data for the first and second wireless communication devices to the network server via a communication network;

5 the wireless access point receiving the additional data for the first wireless communication device from the network server in response to transmission of the identification data for the first wireless communication device;

the wireless access point transmitting the received additional data for the first wireless communication device from the wireless access point to the second wireless communication device;

10 the wireless access point receiving the additional data for the second wireless communication device from the network server in response to transmission of the identification data for the second wireless communication device; and

the wireless access point transmitting the received additional data for the second wireless communication device from the wireless access point to the first wireless communication device.

15

34. The method of claim 31 wherein the exchanged data comprises user profile data, the method further comprising storing the user profile data from the second wireless communication device in a data storage area associated with the wireless access point and transmitting the stored user profile data from the wireless access point to the first wireless communication device upon connection of the first wireless communication device with the wireless access point.

20

35. The method of claim 31 wherein the exchanged data comprises user profile data, the method further comprising:

25

receiving the user profile data from the first wireless communication device upon connection of the first wireless communication device with the wireless access point;

30 storing the user profile data from the first wireless communication device in a data storage area associated with the wireless access point; and

transmitting the stored user profile data from the wireless access point to a third wireless communication device upon connection of the third wireless communication device with the wireless access point.

36. The method of claim 31 wherein the exchanged data comprises user profile data, the method further comprising:

the wireless access point receiving the user profile data from the first and second wireless communication devices upon connection of the first and second wireless communication devices, respectively, with the wireless access point;

the wireless access point receiving user preference data from the first and second wireless communication devices upon connection of the first and second wireless communication devices, respectively, with the wireless access point;

37. The method of claim 36, further comprising:

storing the user profile data and user preference data from the first wireless communication device in a data storage area associated with the wireless access point; and

storing the user profile data and user preference data from the second wireless communication device in a data storage area associated with the wireless access point.

38. The method of claim 37, further comprising the wireless access point analyzing the received user profile data from the first wireless communication device with the user preference data from the second wireless communication device and analyzing the received user profile data from the second wireless communication device with the user preference data from the first wireless communication device to thereby determine if there is a match between the first and second wireless communication devices.

39. The method of claim 38 for use with a network server storing additional user data for the first and second wireless communication devices, respectively, in a data storage area associated with the network server wherein the exchanged data comprises identification data, the method further comprising:

if the analysis indicates a match, the wireless access point transmitting the identification data for the first and second wireless communication devices to the network server via a communication network;

the wireless access point receiving the additional data for the first wireless communication device from the network server in response to transmission of the identification data for the first wireless communication device;

5 the wireless access point transmitting the received additional data for the first wireless communication device from the wireless access point to the second wireless communication device;

the wireless access point receiving the additional data for the second wireless communication device from the network server in response to transmission of the identification data for the second wireless communication device; and

10 the wireless access point transmitting the received additional data for the second wireless communication device from the wireless access point to the first wireless communication device.

40. The method of claim 31 for use with a network server storing the user profile data and user preference data for the first and second wireless communication devices, respectively, in a data storage area associated with the network server wherein the exchanged data comprises identification data, the method further comprising:

20 the wireless access point receiving the identification data from the first and second wireless communication devices upon connection of the first and second wireless communication devices, respectively, with the wireless access point;

the wireless access point transmitting the user identification data from the first and second wireless communication devices to the network server via a communication network; and

25 the network server retrieving the user profile data and user preference data for the first wireless communication device in response to receiving the identification data for the first wireless communication device; and

30 the network server retrieving the user profile data and user preference data for the second wireless communication device in response to receiving the identification data for the second wireless communication device.

41. The method of claim 40, further comprising the network server analyzing the retrieved user profile data for the first wireless communication device with the retrieved user preference data for the second wireless communication device and

analyzing the retrieved user profile data for the second wireless communication device with the retrieved user preference data for the first wireless communication device to thereby determine if there is a match between the first and second wireless communication devices, the network server returning a match indicator to the wireless access point if the analysis indicates a match.

42. The method of claim 31 for use with a network server storing user preference data for the first and second wireless communication devices, respectively, in a data storage area associated with the network server wherein the exchanged data comprises identification data, the method further comprising:

the wireless access point transmitting the user identification data for the first and second wireless communication devices to the network server via a communication network; and

receiving the user preference data for the first and second wireless communication devices in response to transmitting the identification data for the first and second wireless communication devices, respectively.

43. The method of claim 42, further comprising:

the wireless access point analyzing the received user profile data from the first wireless communication device with the user preference data for the second wireless communication device received from the network server; and

analyzing the received user profile data from the second wireless communication device with the user preference data for the first wireless communication device received from the network server to thereby determine if there is a match between the first and second wireless communication devices.

44. A method for processing data from a wireless communication device, comprising:

storing user-related data in a storage location of a first wireless communication device;

establishing a wireless communication link between the first wireless communication device and a second wireless communication device;

upon establishment of the wireless communication link between the first wireless communication device and the second wireless communication device,

extracting the user-related data in the storage location of the first wireless communication device;

transferring the extracted user-related data to a web page associated with a user of the second wireless communication device;

5 storing the transferred data in a storage location associated with the web page; and

accessing the web page to retrieve the stored transferred data.

45. The method of claim 44 wherein transferring the extracted user-related data to the web page associated with a user of the second wireless  
10 communication device is performed using a wide-area network transceiver within the second wireless communication device.

46. The method of claim 44 wherein transferring the extracted user-related data to the web page associated with a user of the second wireless  
15 communication device is performed using a wireless network access point with which the second wireless communication device has established a communication link.

47. The method of claim 44 wherein the wireless communication link  
20 between the first wireless communication device and a second wireless communication device is established by direct communication between transceivers in the first and second wireless communication devices, respectively.

48. The method of claim 47 wherein the transceivers are short-range  
25 transceivers.

49. The method of claim 47 wherein the transceivers are non-network transceivers.

50. The method of claim 47 wherein the wireless communication link  
30 between the first wireless communication device and a second wireless communication device is established by communication between a wireless network access point and transceivers in the first and second wireless communication devices, respectively.

51. The method of claim 44, further comprising:

upon establishment of the wireless communication link between the first wireless communication device and the second wireless communication device, providing at least a portion of the user-related data from the storage location of the first wireless communication device to the second wireless communication device; and

analyzing the portion of the portion of the user-related data with respect to preference data specified by a user of the second wireless communication device to determine a match between the portion of the user-related data and the user-specified preference data.

52. The method of claim 51 wherein extracting the user-related data in the storage location of the first wireless communication device is permitted only upon determination of a match between the portion of the user-related data and the user-specified preference data.

53. The method of claim 44 wherein the second wireless communication device stores user-related data in a storage location of the second wireless communication device, the method further comprising:

upon establishment of the wireless communication link between the first wireless communication device and the second wireless communication device, providing at least a portion of the user-related data from the storage location of the second wireless communication device to the first wireless communication device; and analyzing the portion of the portion of the user-related data with respect to preference data specified by a user of the first wireless communication device to determine a match between the portion of the user-related data and the user-specified preference data.

54. The method of claim 53 wherein extracting the user-related data in the storage location of the second wireless communication device is permitted only upon determination of a match between the portion of the user-related data and the user-specified preference data.

55. The method of claim 44 wherein extracting the user-related data in the storage location of the first wireless communication device is performed by the first

wireless communication device in response to a request for data received from the second wireless communication device and transmitted from the first wireless communication device to the second wireless communication device via the wireless communication link.

5

56. The method of claim 44 wherein extracting the user-related data in the storage location of the first wireless communication device is performed by the first wireless communication device in response to a request for data received from a wireless network access point and transmitted from the first wireless communication device to the a wireless network access point via a wireless communication link between the first wireless communication device and the wireless network access point.

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57. The method of claim 44 wherein transferring the extracted user-related data to the web page associated with a user of the second wireless communication device is performed using the wireless network access point.

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58. The method of claim 44, further comprising:

storing user-related data in a storage location of a third wireless communication device;

20

establishing a wireless communication link between the second wireless communication device and the third wireless communication device;

upon establishment of the wireless communication link between the second wireless communication device and the third wireless communication device, extracting the user-related data in a storage location of the third wireless

25

communication device;

transferring the extracted user-related data to the web page associated with the user of the second wireless communication device; and

storing the transferred data in the storage location associated with the web page.

30



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/397,225	03/03/2009	Gary Bernard Jabara	102802-1US0	7704
22504	7590	12/08/2010	EXAMINER	
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			ART UNIT	PAPER NUMBER
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**Please find below 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):

seapatentdocket@dwt.com



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DAVIS WRIGHT TREMAINE, LLP/Seattle  
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SEATTLE WA 98101-3045

In re Application of	:	
JABARA, GARY BERNARD, et al.	:	DECISION ON REQUEST TO
Application No. 12/397,225	:	PARTICIPATE IN PATENT
Filed: March 3, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 102802-1US0	:	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 (PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 10, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and

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

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

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

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

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

/Kenneth A. Wieder/

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Kenneth A. Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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Decision Date : January 25, 2012

In re Application of :

Gek Ng

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12397254

Filed : 03-Mar-2009

Attorney Docket No : 2008-105USCIP

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 25, 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 2838 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12397254
Filing Date	03-Mar-2009
First Named Inventor	Gek Ng
Art Unit	2838
Examiner Name	YEMANE MEHARI
Attorney Docket Number	2008-105USCIP
Title	HIGH VOLTAGE ISOLATION DUAL CAPACITOR COMMUNICATION SYSTEM

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
  - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
  - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
  - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

**Petition Fee**

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
  - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/scott weitzel/
Name	Scott Weitzel
Registration Number	54534



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**MAILED**

**NOV 17 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Cao, et al. :  
Application No. 12/397,266 : DECISION ON PETITION  
Filed: March 3, 2009 :  
Attorney Docket No. GD CAO 01 C3 :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed November 4, 2011.

The petition is **GRANTED**.

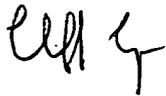
The above-identified application was held abandoned for failure to timely file a response to the non-final Office action mailed April 28, 2011. This Office action set a shortened statutory period for reply of three (3) months. Therefore, the last day a reply could have been timely filed with the maximum three month extension of time would have been October 28, 2011. The Office mailed a Notice of Abandonment on November 3, 2011, stating that no reply had been received.

A review of the application file reveals the presence of an Amendment, filed on October 28, 2011, made timely by obtaining a three month extension of time. A review of Office finance records confirms that the Office received the fee for the three month extension of time on that same day. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 3737 for consideration of the Amendment filed October 28, 2011 (made timely by obtaining a three month extension of time).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is stylized and cursive.

Cliff Congo  
Petitions Attorney  
Office of Petitions



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**MAILED**  
**DEC 05 2011**

**OFFICE OF PETITIONS**

**MicroGREEN Polymers, Inc.**  
**7220 - 201st ST NE**  
**Arlington WA 98223**

In re Application of :  
Krishna Nadella :  
Application No. 12/397,310 : **DECISION ON PETITION**  
Filed: March 3, 2009 :  
Attorney Docket No. 2827-005-03 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 18, 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, April 28, 2011, which set a shortened statutory period for reply of three (3) months. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 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 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.

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 1742 for appropriate action by the Examiner in the normal course of business on the reply received November 18, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Thomas E. Loop  
400 108<sup>th</sup> Avenue NE  
Suite 700  
Bellevue, WA 98004



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/397,369	03/04/2009	Mitsuaki HONMA	338749US-2CONT	8010
22850	7590	12/09/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			BUL, THA-O H	
			ART UNIT	PAPER NUMBER
			2824	
			NOTIFICATION DATE	DELIVERY MODE
			12/09/2010	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):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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

*In re* Application of MITSUAKI HONMA, ET AL. :  
Appl. No.: 12/397,369 : **DECISION ON PETITION**  
Filed: 03/04/09 : **FOR CONSIDERATION OF**  
For: NON-VOLATILE SEMICONDUCTOR STORAGE : **INFORMATION**  
SYSTEM : **DISCLOSURE**  
: **STATEMENT**  
: *37 CFR 1.181(a)(3)*  
:

This is a decision in response to petition filed on November 12, 2010, requesting that reference AO on the Information Disclosure Statement (IDS) filed 3/4/09 be considered.

The petition is GRANTED.

The petitioner asserts that reference AO be considered as it appears to have been stricken out per the mailing of the 10/02/09 nonfinal rejection. The petitioner asserts that the examiner allegedly refused to consider this reference and further asserts that the examiner specifically provided a reason for not considering this particular reference.

A review of the application file record shows the following:

- The nonfinal rejection mailed 10/02/09 on page 2 in paragraph 3 states that the information disclosed therein had been considered. In contrast to this statement, the attached copy of the considered Information Disclosure Statement filed 3/4/09 shows reference OA to be stricken through, suggesting non-consideration.
- The nonfinal rejection mailed 10/02/09 does not include a statement made by the examiner which specifically states consideration of reference OA as being "refused" or provides any specific reasoning as to why such consideration would be denied.

Art Unit: 2824

- On December 6, 2010, the examiner admitted having inadvertently extended his strikeout to include reference AO on the IDS filed 3/4/09.

The petitioner has correctly identified the above noted file deficiency with respect to the lack of initialing of reference AO as clearly having been considered and the request is hereby deemed both timely and reasonable, thus, to expedite the correction of this admitted apparent oversight on behalf of the examiner, this petition is hereby GRANTED.

The case will be forwarded to the assigned examiner to prepare a response which acknowledges the intended consideration of IDS reference AO filed 3/4/09.

Additionally, a clarified Reasons for Allowance will be prepared which more closely characterizes the language as it appears in claim 1; however, not as a direct quotation. It seems the examiner misplaced the quotation mark in second full paragraph appearing on page 3 of the Notice of Allowance mailed 08/30/10 and changed the ordering of the verbage so as not to reflect a direct quotation.

Any inquiries concerning this decision should be directed to Richard Elms, Supervisory Patent Examiner, Art Unit 2824, at (571) 272-1869.



Edward Lefkowitz  
Acting Director  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.						
12/397,453	03/04/2009	Akihiro ITOH	H-7036	8187						
<table border="1"> <tr> <td colspan="2">EXAMINER</td> </tr> <tr> <td colspan="2">DAO, TUAN C.</td> </tr> </table>					EXAMINER		DAO, TUAN C.			
EXAMINER										
DAO, TUAN C.										
<table border="1"> <tr> <td>ART UNIT</td> <td>PAPER NUMBER</td> </tr> <tr> <td>7590</td> <td>11/30/2011</td> </tr> <tr> <td colspan="2">2194</td> </tr> </table>					ART UNIT	PAPER NUMBER	7590	11/30/2011	2194	
ART UNIT	PAPER NUMBER									
7590	11/30/2011									
2194										
<table border="1"> <tr> <td>MAIL DATE</td> <td>DELIVERY MODE</td> </tr> <tr> <td>11/30/2011</td> <td>PAPER</td> </tr> </table>					MAIL DATE	DELIVERY MODE	11/30/2011	PAPER		
MAIL DATE	DELIVERY MODE									
11/30/2011	PAPER									

MATTINGLY & MALUR, PC  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA, VA 22314

**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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WEISS & MOY PC  
4204 NORTH BROWN AVENUE  
SCOTTSDALE AZ 85251

**MAILED**

**AUG 29 2011**

**OFFICE OF PETITIONS**

In re Application of :  
David Bologna et al. :  
Application No. 12/397,470 : **DECISION ON PETITION**  
Filed: March 4, 2009 :  
Attorney Docket No. W0807049 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2011, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

The petition is hereby **GRANTED**.

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



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JACKSON INTELLECTUAL PROPERTY GROUP, PLLC  
106 STARVALE LANE  
SHIPMAN, VA 22971

**MAILED**  
**AUG 17 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
**Hui-Hu LIANG** :  
Application No. 12/397,471 : DECISION ON PETITION  
Filed: March 4, 2009 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. **7005.154** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 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 March 18, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 19, 2009.

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

The 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 delay.

The address given on the petition differs from the address of record. A change of address maybe necessary and should be filed 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 Monica A. Graves at (571) 272-7253.

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 July 26, 2010.



Thurman K. Page  
Petitions Examiner  
Office of Petitions

cc: **DEMAIAN K. JACKSON**  
**106 STARVALE LANE**  
**SHIPMAN, VA 22971**

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 9/7/11

TO SPE OF : ART UNIT: 2827

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/397,496 Patent No. 8,004,798

CofC mailroom date 8/27/11

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

Ernest C. White, LIE

Certificates of Correction Branch  
703-756-1814 \_\_\_\_\_

Thank You For Your Assistance

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

  
SPE

2827  
Art Unit



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APPLICATION NO. 12/397,499	FILING DATE 03/04/2009	FIRST NAMED INVENTOR Michiaki OKANO	ATTORNEY DOCKET NO. 09135/LH	CONFIRMATION NO. 8321
7590 12/13/2010 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708		EXAMINER BOST, DWAYNE D		
		ART UNIT 2617	PAPER NUMBER	
		MAIL DATE 12/13/2010	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.

Patent Publication Branch  
Office of Data Management

12/13/2010 11:17 AM  
Betty Powell  
12/13/2010 11:17 AM



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**MAILED**  
**MAY 09 2011**  
**OFFICE OF PETITIONS**

HAMRE, SCHUMANN, MUELLER & LARSON P.C.  
P.O. BOX 2902  
MINNEAPOLIS MN 55402-0902

In re Patent No. RE41867 :  
Issue Date: October 26, 2010 :  
Application No. 12/397,560 : **DECISION ON PETITION**  
Filed: March 4, 2009 :  
Attorney Docket No. **10873.1054USRE** :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed March 31, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **DISMISSED**.

Petitioner states that the original Letters Patent was never received.

The Office follows the guidelines set forth in MPEP § 711.03(c) (*see also* "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of an Office action (in this case, the Letters Patent), there is a strong presumption that the Office action (Letters Patent) was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Letters Patent was not in fact received. In this regard, the showing required to establish the failure to receive the Letters Patent must consist of the following:

1. a statement from practitioner stating that the Letters Patent 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 Letters Patent was not received; and
3. a copy of the docket record where the nonreceived Letters Patent would have been entered had it been received must be attached to and referenced in the practitioner's statement.

The petition is not accompanied by the evidence required to establish nonreceipt of the original Letters Patent. In this regard, petitioner has not made a statement attesting to the fact that a

search of the file jacket and docket records indicates that the Letters Patent was not received at the address of record and had not provided a copy of the docket record where the non-received Letters Patent would have been entered had it been received.. The evidence submitted does not establish nonreceipt of the Letters Patent at that address.

In view of the above, the petition fails to provide the necessary evidence to establish nonreceipt of the Letters of Patent. Accordingly, the petition for issuance of a duplicate Letters Patent under 37 CFR 1.181 cannot be granted at this time. .

If petitioner cannot submit the required evidence to establish nonreceipt of the original Letters Patent or simply does not wish to, petitioner may wish to consider filing a petition under 37 CFR 1.182 requesting issuance of a duplicate Letters Patent and pay the required fee of \$400.

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**  
                                  Attn: Office of Petitions

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

Telephone inquiries 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  
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HAMRE, SCHUMANN, MUELLER & LARSON P.C.  
P.O. BOX 2902  
MINNEAPOLIS MN 55402-0902

**MAILED**

**JUN 09 2011**

**OFFICE OF PETITIONS**

In re Patent No. RE41867 :  
Issue Date: October 26, 2010 :  
Application No. 12/397,560 : **DECISION ON PETITION**  
Filed: March 4, 2009 :  
Attorney Docket No. **10873.1054USRE** :

This is a decision on the renewed petition under 37 CFR 1.182, filed June 2, 2011, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the instant application matured into U.S. Patent No. RE41867 on October 26, 2010. Petitioner contends, however, that the original Letters of Patent was never received.

In view of the facts set forth in the petition, it is concluded that the original Letters of Patent was never received. The Office of Data Management is directed to issue duplicate Letters of Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to the Office of Data Management.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

cc: Ollie Person—Office of Data Management FAX: 571-270-9764  
Kimberly Terrell—Office of Data Management FAX: 571-270-9958



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4417 LANCASTER PIKE  
WILMINGTON DE 19805**

**MAILED  
AUG 03 2011  
OFFICE OF PETITIONS**

In re Application of :  
Teather et al. :  
Application No. 12/397,639 : **DECISION ON PETITION**  
Filed: March 4, 2009 :  
Attorney Docket No. TK4860USNA :

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 27, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 25, 2011. Accordingly, the date of abandonment of this application is June 28, 2011. A Notice of Abandonment was mailed July 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 payment of the issue fee of \$1,510.00 and the publication fee of \$300.00, (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

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

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

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/397,668 03/04/2009 Yoshikazu Hanatani 339165US2RD 8637

7590 06/17/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

Table with 1 column: EXAMINER

ELAHI, SHAN E

Table with 2 columns: ART UNIT, PAPER NUMBER

2494

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE

06/17/2011

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: Nina Tarnes
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:	12/397,679	Filing date:	March 4, 2009
-----------------	------------	--------------	---------------

First Named Inventor:	Joseph Michael Combi et al.
-----------------------	-----------------------------

Title of the Invention:	MULTIPLE ANTENNA MULTIPLEXERS, DEMULTIPLEXERS AND ANTENNA ASSEMBLIES
-------------------------	--

**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/US2010/021736

**The international 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 KIPO AND THE USPTO**

(continued)

Application No.: 12/397,679

First Named Inventor: Joseph Michael Combi et al.

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

- Is attached
- Has already been filed in the above-identified U.S. application on October 22, 2010

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

- Are attached.
- Have already been filed in the above-identified U.S. application on October 22, 2010

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	Identical except US claim does not include multiple dependency
4	4	Identical
15	15	Identical
16	16	Identical
17	17	Identical except US claim does not include multiple dependency
28	28	Identical
29	29	Identical
30	30	Identical except US claim does not include multiple dependency
37	37	Identical
38	38	Identical
39	39	Identical
40	40	Identical
41	41	Identical
42	42	Identical

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

Signature /Anthony G. Fussner/	Date October 25, 2010
Name (Print/Typed) Anthony G. Fussner	Registration Number 47,582

## 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.
12/397,679	03/04/2009	Ayman Duzdar	9062B-000428/US	8651
28997	7590	12/14/2010	EXAMINER	
HARNES, DICKEY, & PIERCE, P.L.C 7700 Bonhomme, Suite 400 ST. LOUIS, MO 63105			YAO, KWANG BIN	
			ART UNIT	PAPER NUMBER
			2473	
			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.



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HARNES, DICKEY, & PIERCE, P.L.C  
7700 Bonhomme, Suite 400  
ST. LOUIS MO 63105

In re Application of: DUZDAR, AYMEN et al.  
Application No. 12397679  
Filed: March 4, 2009  
For: MULTIPLE ANTENNA MULTIPLEXERS,  
DEMULTIPLEXERS AND ANTENNA  
ASSEMBLIES

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

**MAILED**

DEC 14 2010

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 25, 2010, to make the above-identified application special.

The petition is **GRANTED**.

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.
- (3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.
- (4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.
- (5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.
- (6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. *If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested 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 an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, PER) of the PCT.
- (8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

*Application SN 12397679*  
*Decision on Petition*

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

Telephone inquiries concerning this decision should be directed to 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

/Hassan Kizou/

---

Hassan Kizou  
Quality Assurance Specialist  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/397,726	03/04/2009	Yoshito ABE	09132/LH	8745

1933 7590 04/19/2011  
HOLTZ, HOLTZ, GOODMAN & CHICK PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708

EXAMINER
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BARLOW JR, JOHN E

ART UNIT	PAPER NUMBER
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2800

MAIL DATE	DELIVERY MODE
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04/19/2011

PAPER

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**HOLTZ, HOLTZ, GOODMAN & CHICK PC**  
220 Fifth Avenue  
16TH Floor  
NEW YORK NY 10001-7708

**In re Application of**

**ABE et al.**

**Application No.: 12/397,726**

**Filed: 04 March 2009**

**Attorney Docket No.: 09132/LH**

**For: IMAGE SYNTHESIZING  
APPARATUS AND IMAGE PICKUP  
APPARATUS WITH A BRIGHTNESS  
ADJUSTING PROCESSING**

**: 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 16 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

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

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

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

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

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

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

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



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Decision Date : February 13, 2012

In re Application of :

DAVID CROOK

Application No : 12397884

Filed : 04-Mar-2009

Attorney Docket No : 33939/28

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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12397884	
Filing Date	04-Mar-2009	
First Named Inventor	DAVID CROOK	
Art Unit	3733	
Examiner Name	SUMMER KOSTELNIK	
Attorney Docket Number	33939/28	
Title	SURGICAL SYSTEMS AND METHODS FOR JOINT FIXATION	
<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	



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/397,931	03/04/2009	HIROAKI TAKAI	J-09-0125	9119
71799	7590	03/11/2011	EXAMINER	
Mr. Jackson Chen 6535 N. STATE HWY 161 IRVING, TX 75039			AN, MENG AI T	
			ART UNIT	PAPER NUMBER
			2195	
			NOTIFICATION DATE	DELIVERY MODE
			03/11/2011	ELECTRONIC

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

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

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

jackson.chen@necam.com  
KENSAKU.SATO@NECAM.COM



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Mr. Jackson Chen  
6535 N. STATE HWY 161  
IRVING TX 75039

In re Application of: H. TAKAI  
Application No. 12/397,931  
Attorney Docket #: **J-09-0125**  
Filed: March 4, 2009  
For: MANAGEMENT MACHINE,  
MANAGEMENT SYSTEM, MANAGEMENT  
PROGRAM, AND MANAGEMENT METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 17, 2010 to make the above-identified application special.

The petition is **GRANTED**.

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

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

- (ii) validly claims priority to a PCT application that contains no priority claims, or
- (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

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

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

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

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

(5) Applicant must submit:

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

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:

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

The petition is **GRANTED**.

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



APPLE INC./BSTZ  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

**MAILED**

JAN 26 2012

**OFFICE OF PETITIONS**

In re Application of :  
Scott Forstall et al. :  
Application No. 12/397,968 :  
Filed: March 4, 2009 :  
Attorney Docket No: 4860P6312/P6312US1 :

**ON PETITION**

This is a decision on the petition filed January 4, 2012 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed June 16, 2011 within the shortened statutory period of three months set for reply. The instant petition and this decision precede the mailing of the Notice of Abandonment.

This matter is being referred to Technology Center 2494 for appropriate action on the amendment filed January 4, 2012.

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

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

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

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

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

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

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APR 13 2011

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 3-17-11

TO SPE OF : ART UNIT 1765

SUBJECT : Request for Certificate of Correction for Appl. No.: 12397976 Patent No.: 7887926

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

**Certificates of Correction Branch (C of C)  
Randolph Square - 9D10-E  
Palm Location 7580**

Omega Lewis  
Certificates of Correction Branch  
703-756-1575

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Donna Seidler*

**SPE**

1765

**Art Unit**



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Conley Rose P.C  
P.O. Box 3267  
Houston, TX 77253

**MAILED**

**AUG 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Shardul Sarhad, et. al. :  
Application No. 12/397,983 :  
Filed: March 4, 2009 :  
Attorney Docket No. 2841-03000 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed August 12, 2011, to revive the above-identified application.

The application became abandoned for failure to file a reply to the non-final Office action mailed January 5, 2011. A Notice of Abandonment was mailed on August 8, 2011.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of JL Jennie Salazar appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

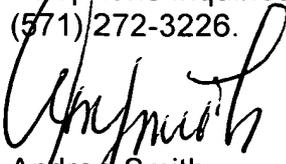
Additionally, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was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

Since 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, the petition is **GRANTED**.

Since the address given in the present petition differs from the correspondence address of record, a courtesy copy of this decision is being mailed to the address given in the petition. Thereafter, all future communications from the Office will be mailed solely to the address of record until otherwise instructed.

This application file is being referred to Technology Center Art Unit 3674 for review of the amendment submitted with the present petition.

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



Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: JL Jennie Salazar  
1934 W. Gray Street  
Suite 401  
Houston, TX 77019



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES 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.
12/398,023	03/04/2009	Keigo Nakamura	2091-0489PUS1	9284
2292	7590	03/03/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			BELLA, MATTHEW C	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2624	
			NOTIFICATION DATE	DELIVERY MODE
			03/03/2011	ELECTRONIC

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

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

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

mailroom@bskb.com



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United States Patent and Trademark Office  
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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747

In re Application of	:	
NAKAMURA, KEIGO	:	DECISION ON REQUEST TO
Application No. 12/398,023	:	PARTICIPATE IN PATENT
Filed: March 04, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 2091-0489PUS1	:	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 30, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

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

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

/Michael Horabik/

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Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

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

AFFYMETRIX, INC.  
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.  
3420 CENTRAL EXPRESSWAY  
SANTA CLARA CA 95051

**MAILED**  
**MAR 04 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
FAHAM and ZHENG :  
Application No. 12/398,177 : DECISION DISMISSING PETITIONS  
Filed: 03/04/2009 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)  
Attorney Docket No. 3849.1 :

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed January 26, 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).

The amendment is not acceptable as drafted because it improperly incorporates by reference prior-filed applications, 11/739,654, 10/300,311, and 60/331,693.<sup>1</sup> An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim after the filing date of the application, the amendment would not be proper. When a benefit claim 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 unless an incorporation by reference statement of the prior application was presented upon filing of the application. See *Dart Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980); MPEP 201.06(c)(IV), 201.00(III)(f), and 608.04(b).

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 amendment complying with 37 CFR 1.121, 37 CFR 1.76 and 37 CFR 1.33(b)<sup>2</sup> 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

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

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<sup>1</sup> The reference to Application No. 61/033,561 is acceptable because the incorporation by reference statement was present on filing.

<sup>2</sup> The Office notes that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in an application must be signed by an appropriate party. Therefore, an ADS, supplemental ADS, or an amendment submitted after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
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**AFFYMETRIX, INC**  
**ATTN: CHIEF IP COUNSEL, LEGAL DEPT.**  
**3420 CENTRAL EXPRESSWAY**  
**SANTA CLARA CA 95051**

**MAILED**

**MAY 24 2011**

**OFFICE OF PETITIONS**

In re Application of :  
FAHAM et al. :  
Application No. 12/398,177 : DECISION ON PETITIONS  
Filed: March 4, 2009 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)  
Attorney Docket No. 3849.1 :

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed March 29, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The 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.

In regards to item (3), 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.

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 1637 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 Buger  
Petitions Examiner  
Office of Petitions

**ATTACHMENT : Corrected Filing Receipt**



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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: 12/398,177, 03/04/2009, 1637, 1220, 3849.1, 20, 3

CONFIRMATION NO. 9580

CORRECTED FILING RECEIPT



22886
AFFYMETRIX, INC
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.
3420 CENTRAL EXPRESSWAY
SANTA CLARA, CA 95051

Date Mailed: 05/23/2011

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

Applicant(s)

Malek Faham, Pacifica, CA;
Jianbiao Zheng, Fremont, CA;

Assignment For Published Patent Application

Affymetrix, Inc., Santa Clara, CA

Power of Attorney: The patent practitioners associated with Customer Number 22886

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/033,561 03/04/2008
and is a CIP of 11/739,654 04/24/2007 PAT 7,754,451
which is a CON of 10/300,311 11/19/2002 PAT 7,208,295 \*
which claims benefit of 60/331,693 11/19/2001
(\*)Data provided by applicant is not consistent with PTO records.

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: 03/16/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/398,177

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

RESEQUENCING METHODS FOR IDENTIFICATION OF SEQUENCE VARIANTS

**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).

**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): 12/398,191	Patent Number (if applicable):
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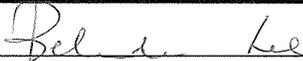
First Named Inventor: MASATAKA NAKAZAWA	Title of Invention: LASER APPARATUS
--	--

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

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
  - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
  - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
  - c. The statutory or non-statutory time period set for response has not yet expired.
  - d. Withdrawal and reissuance of the Office communication is requested.
  - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
  - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
  - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
  - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
  - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

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

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
  - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
  - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
  - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
  - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
  - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
  - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
  - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
  - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date <u>April 7, 2011</u>
Name (Print/Typed) <b>Belinda Lee</b>	Practitioner Registration Number <b>46863</b>
<b>Note:</b> 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*.	
<input checked="" type="checkbox"/> *Total of <u>2</u> forms are submitted.	

## Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
7 FLOOR-1, NO. 100  
ROOSEVELT ROAD, SECTION 2  
TAIPEI 100 TW TAIWAN**

**MAILED**

**APR 12 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Nakazawa et al. :  
Application No. 12/398,191 : **DECISION ON PETITION**  
Filed: March 5, 2009 :  
Attorney Docket No. 30856-US-187(CA) :

This is a decision on the request filed April 7, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, [http://www.uspto.gov/patents/announce/japan\\_relief\\_2011mar17.pdf](http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf), providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 14, 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 2828 for re-mailing the Office action of January 14, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Dexin Wang	Group Art Unit:	2827
Application No.:	12/398,214	Examiner:	
Filed:	March 5, 2009	Due Date:	
Confirmation No.	9675	Customer No.	75742
For:	ST-RAM CELLS WITH PERPENDICULAR ANISTROPY		

---

CERTIFICATE OF MAILING OR TRANSMISSION:

I hereby certify that this correspondence is being deposited  
 USPTO EFS Web Filing on August 20, 2010.

/Denise M. Lagro/  
Denise M. Lagro

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

**PETITION UNDER 37 C.F.R. §1.102 TO ACCORD SPECIAL STATUS FOR  
EXAMINATION UNDER PROJECT EXCHANGE/PATENT APPLICATION  
BACKLOG REDUCTION STIMULUS PLAN**

Applicant hereby petitions to accord special status to the above-identified application under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan.

1. Basis under which special status is being sought?  
Copen ding application serial number 12/270,966 is being expressly abandoned in favor of the above-identified application.

2. Copy of letter of express abandonment and statements that accompany same.

A copy of the letter of express abandonment and statements accompanying same for the copending application expressly abandoned are attached.

3. Identification of relationship between the copending applications that qualifies for special status.

The copending applications are related by the same assignee, namely Seagate Technology LLC.

4. Copending application that is being expressly abandoned.

The copending application that is being expressly abandoned is serial number 12/270,966 filed November 14, 2008.

5. Applicant certifies that petitions requesting special status under this program have not been filed in more than fourteen other applications.
6. 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.
7. Fee.

The U.S. Patent Office has waived the fee requirement to consider a petition to make special for applications pertaining to Project Exchange/Patent Application Backlog Reduction Stimulus Plan.

Date: August 20, 2010

/Brian C. Whipps/

Brian C. Whipps  
Registration No. 43261  
CAMPBELL NELSON WHIPPS, LLC  
Historic Hamm Building  
408 St. Peter Street, Suite 240  
St. Paul, Minnesota 55102  
651.259.6703



CAMPBELL NELSON WHIPPS, LLC  
HISTORIC HAMM BUILDING  
408 SAINT PETER STREET, SUITE 240  
ST. PAUL MN 55102

**MAILED**

**SEP 17 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
WANG, et al.	:	<b>DECISION ON PETITION</b>
Application No. 12/398,214	:	<b>TO MAKE SPECIAL</b>
Filed: March 5, 2009	:	<b>37 CFR 1.102</b>
Attorney Docket No. 1011.14545.00	:	

This is a decision on the petition under 37 CFR 1.102, filed August 20, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

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

expressly abandoned application under any provision of title 35, United States Code, and

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

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

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

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

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

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

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

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

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

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

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



Brian W. Brown  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**ALLAN C. ENTIS PH.D., INTELLECTUAL PROPERTY LTD.  
6 RAOUL WALLENBERG STREET  
RAMAT HACHAYAL  
TEL AVIV 69719 IL ISRAEL**

**MAILED**

**OCT 06 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Zaifrani et al. :  
Application No. 12/398,216 : **DECISION ON PETITION**  
Filed: March 5, 2009 : **TO WITHDRAW FROM RECORD**  
Attorney Docket No. C010-P1058-US :  
:

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 10, 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).

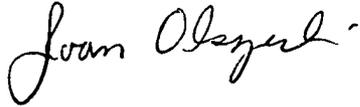
The request was signed by Allan C. Entis on behalf of all attorneys of record who are associated with Customer Number 85275.

All attorneys/agents associated with the Customer Number 85275 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

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

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



Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Silvio Zaifrani  
51 HaGalil Street, Apt. 5  
Neve Shanan  
Haifa 32686 Israel

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12398237
Filing Date	05-Mar-2009
First Named Inventor	Takashi YAMANE
Art Unit	2817
Examiner Name	ALAN WONG
Attorney Docket Number	36856.1782/MI
Title	BOUNDARY ACOUSTIC WAVE FILTER

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
  - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
  - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
  - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

**Petition Fee**

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on 2011.11.15
  - 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	/Christopher A. Bennett/
Name	Christopher A. Bennett
Registration Number	46710



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : November 15,2011

In re Application of :

Takashi YAMANE

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12398237

Filed : 05-Mar-2009

Attorney Docket No : 36856.1782/MI

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 15,2011 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 2817 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 10-28-11

TO SPE OF : ART UNIT 1726

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/398264 Patent No.: 7989117

CofC mailroom date: 10-11-11

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

**FOR IFW FILES:**

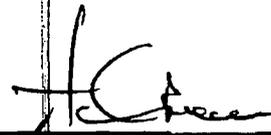
Please review the requested changes/corrections as shown in the **COCX** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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

**FOR PAPER FILES:**

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

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



Certificates of Correction Branch  
Angela Green

**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.

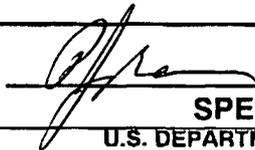
**Approved in Part**

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

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
SPE

1726  
Art Unit



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. Includes sub-tables for EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, and DELIVERY MODE.

Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

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



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

**MAILED**

**FEB 03 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Kenji Naoi :  
Application No. 12/398,355 : DECISION GRANTING PETITION  
Filed: March 5, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. Q112465 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 3, 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 24, 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.<sup>1</sup>***

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

This application is being referred to Technology Center AU 1733 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

<sup>1</sup> 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.*



RICHARD ARON OSMAN  
530 LAWRENCE EXPY # 332  
SUNNYVALE CA 94085

**MAILED**

**FEB 23 2012**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Patent No. 8,101,242 :  
Issued: January 24, 2012 :  
Application No. 12/398,363 :  
Filed: March 5, 2009 :  
Attorney Docket No: SR11-306CIP :

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission filed January 11, 2012.

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

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

Your fee deficiency submission in the amount of \$870, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions





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Commissioner for Patents  
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MR. RAVI TATA  
110 PASITO TERRACE, #223  
SUNNYVALE, CA 94086

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

**LETTER**

In re Application of :  
Justin Kuo, et al. :  
Application No. 12/398,396 :  
Filed: March 5, 2009 :  
For: USE OF DATA PATTERNS FOR RAPID :  
SEARCH OF COMPLEX RULES IN A :  
RULES-BASED SEARCH ENGINE :

Dear Mr. Tata:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: TOWNSEND AND TOWNSEND AND CREW LLP/ORACLE  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MR. JUSTIN LIN  
157 POSITANO CIRCLE  
REDWOOD SHORES, CA 94065

**MAILED**

AUG 30 2010

In re Application of :  
Justin Kuo, et al. :  
Application No. 12/398,396 :  
Filed: March 5, 2009 :  
For: USE OF DATA PATTERNS FOR RAPID :  
SEARCH OF COMPLEX RULES IN A :  
RULES-BASED SEARCH ENGINE :

**OFFICE OF PETITIONS**  
**LETTER**

Dear Mr. Lin:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: TOWNSEND AND TOWNSEND AND CREW LLP/ORACLE  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO, CA 94111-3834



UNITED STATES PATENT AND TRADEMARK OFFICE

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LEVINE BAGADE HAN LLP  
2400 GENG ROAD, SUITE 120  
PALO ALTO, CA 94303

**MAILED**

**APR 10 2012**

**OFFICE OF PETITIONS**

In re Application of Abolfathi et al. :  
Application No. 12/398,424 : Decision Dismissing Petitions  
Filing Date: March 5, 2009 : Under 37 CFR 1.78(a)(3) and (a)(6)  
Attorney Docket No. SNTSNZ02200 :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) filed February 21, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

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 original specification incorporated by reference Application No. 61/047,508. The original specification did not incorporate by reference Application Nos. 11/672,239, 60/809,244, or 60/820,223. The amendment filed with the petition seeks to have the specification amended to incorporate all four prior applications by reference.

MPEP 201.06(c)(IV) states,

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).

In view of the previously discussed facts and the language quoted above, the amendment is improper.

If petitioner wishes to add the priority claims, petitioner should file a request for reconsideration with an amendment that does not seek to amend the specification to incorporate any application other than Application No. 61/047,507.

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 Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
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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KRAJEC PATENT OFFICES,  
LLC / PPT CORRESPONDENCE  
1635 FOXTRAIL DRIVE, SUITE 321  
LOVELAND CO 80538

**MAILED**  
OCT 04 2011  
**OFFICE OF PETITIONS**

In re Application of :  
Perry, et al. :  
Application No. 12/398,461 : **DECISION**  
Filed/Deposited: 5 March, 2009 :  
Attorney Docket No. POR007USU1 :

This is a decision on the petition filed on 28 August, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

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

As to the Allegations  
of Unintentional Delay

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

**BACKGROUND**

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 25 February, 2011, with reply due absent extension of time on or before 25 May, 2011.

The application went abandoned by operation of law after midnight 25 May, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 28 August, 2011, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b) with a reply in the form of an amendment and made the statement of unintentional delay.

Application No. 12/398,461

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

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

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

#### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>2,3</sup>

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits

<sup>1</sup> 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).

<sup>2</sup> See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

<sup>3</sup> The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Application No. 12/398,461

them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>4</sup>

As to Allegations of  
Unintentional Delay

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

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

CONCLUSION

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

The instant application is released to the Technology Center/AU 1788 for further processing in due course.

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

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<sup>4</sup> In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/398,461

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>5</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

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<sup>5</sup> 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.
12/398,534	03/05/2009	Mary C. Farach-Carson	UOD-157US1	1273
7590 RATNERPRESTIA P.O. BOX 1596 WILMINGTON, DE 19899		01/28/2011	EXAMINER ROBINSON, HOPE A	
			ART UNIT	PAPER NUMBER
			1652	
			MAIL DATE	DELIVERY MODE
			01/28/2011	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

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January 28, 2011

RATNERPRESTIA  
P.O. BOX 1596  
WILMINGTON DE 19899

In re Application of :  
Mary C. Farach-Carson et al. : **DECISION ON PETITION**  
Application No. 12398534 :  
Filed: 3/5/2009 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. UOD-157US1 : **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 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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**AJAY A. JAGTIANI**  
**1401 I STREET, NW, SUITE 1100**  
**WASHINGTON DC 20005**

**MAILED**  
**MAY 20 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
PLUNKETT, et al :  
Application No. 12/398,561 : **DECISION ON PETITION**  
Filed: March 5, 2009 : **TO WITHDRAW**  
Attorney Docket No. 00818.01.0002 : **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 11, 2010 and April 4, 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 Ajay A. Jagtiani on behalf of 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 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 Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: JAMES B. PLUNKETT  
1610 PERKINS RIDGE ROAD  
AUBURN ME 04210



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/398,561	03/05/2009	James B. PLUNKETT	PLUN-0001-UT1

**CONFIRMATION NO. 1327**

**POWER OF ATTORNEY NOTICE**



22506  
Vedder Price, PC  
1401 I Street, NW  
Suite 1100  
Washington, DC 20005

Date Mailed: 05/16/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/11/2010.

- 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



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MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON DC 20005-3096

**MAILED**  
JAN 06 2012  
**OFFICE OF PETITIONS**

In Re application of :  
Nam Ho Kim :  
Application No. 12/398,562 : ON PETITION  
Filed: March 5, 2009 :  
Attorney Docket No. 074998-0030 :

This is a decision on the petition under 37 CFR 1.59(b), filed November 7, 2011, to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that the RCE and related amendment, filed November 7, 2011, be expunged from the record. Petitioner states that the papers submitted were erroneously filed in the instant application and were intended for another application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in a different application.

The expunged material has been removed from the official file.

In accordance with MPEP 724.05(III), no petition is needed since the papers in question were clearly identified for a different application. Therefore, the petition fee is refunded.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman  
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.
12/398,567	03/05/2009	Tetsuya GOROHATA	MNL-2635-750	1335
23117	7590	10/24/2011	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			KUE, KAYING	
			ART UNIT	PAPER NUMBER
			3729	
			MAIL DATE	DELIVERY MODE
			10/24/2011	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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NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

In re Application of	:	
<u>GOROHATA, TETSUYA</u> , et al.	:	DECISION ON REQUEST TO
Application No. 12/398,567	:	PARTICIPATE IN PATENT
Filed: March 05, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. MNL-2635-750	:	PROGRAM AND PETITION
For: WEAVING MACHINE FOR COIL	:	TO MAKE SPECIAL UNDER
ASSEMBLY OF ROTARY ELECTRIC	:	37 CFR 1.102(a)
MACHINE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 14, 2011 to make the above-identified application special.

The request and petition are granted.

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

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

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

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Derris Banks, SPE of Art Unit 3729, and 571-272-4419 for Class 029 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

---

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



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

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

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

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

Murabito, Hao & Barnes  
Two North Market Street, 3<sup>rd</sup> Floor  
San Jose CA 95113

ej



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

**MAILED  
JAN 24 2011  
OFFICE OF PETITIONS**

In re Application of :  
Jason W. Farris, et al. :  
Application No. 12/398,695 : DECISION ON PETITION  
Filed: March 5, 2009 :  
Attorney Docket No. 11390.0003-01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 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 Restriction Requirement, mailed June 24, 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 July 25, 2010. The Notice of Abandonment was mailed January 5, 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 election, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 2833 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



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**Black, Lowe, Graham**  
**701 5th Ave., Suite 4800**  
**Seattle WA 98104**

**MAILED**

**NOV 08 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
William E. Luce	:	DECISION ON PETITION
Application No. 12/398,706	:	TO WITHDRAW
Filed: March 5, 2009	:	FROM RECORD
Attorney Docket No. GORI-1-1003	:	
(203LG050)	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed October 19, 2010.

The request is **NOT APPROVED**.

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

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

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

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

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

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

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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**Raja Singh Tuli**  
**Suite 1130**  
**555 Rene Levesque West**  
**Montreal H2Z 1B1 CA CANADA**

**MAILED**

**SEP 13 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Raja S. Tuli :  
Application No. 12/398,717 : **DECISION ON PETITION**  
Filed: March 05, 2009 :  
Attorney Docket No. **Web Watch** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 04, 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 June 16, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of June 16, 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 Patent Application Processing.

Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DONN K. HARMS  
PATENT & TRADEMARK LAW CENTER  
SUITE 100  
12702 VIA CORTINA  
DEL MAR CA 92014

In re Application of  
CONNORS, PAUL E. : SEP 13 2010  
Application No.: 12/398,731 : DECISION ON  
Filing or 371(c) Date: March 5, 2009 : PETITION  
Attorney Docket Number: 4124-PAT :

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on August 18, 2010.

This petition is **DISMISSED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance, mailed April 15, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on August 2, 2010.

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

**MPEP 503 (postcard receipt as prima facie evidence)  
Certificate of Mailing under 37 CFR 1.8(b)  
"Express Mail" Mailing under 37 CFR 1.10**

MPEP 503 states the following:

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.

Unfortunately MPEP 503 is not applicable since there is no record of receipt of the Return Receipt Postcard, which if received in the Office would have been stamped (referred to as "Office Date" stamp) acknowledging receipt of the items identified thereon.

Provisions under 37 CFR 1.8(b) requires that the petitioner (1) promptly inform the Office of the previous timely mailing or transmission after becoming aware that the Office has no evidence of receipt of the correspondence, (2) supply copies of the previously mailed correspondence with certificate of mailing thereon, and (3) include a statement which attests to the previous timely mailing.

37 CFR § 1.10 is not applicable since this procedure was not used.

The holding of abandonment cannot be withdrawn as this time.

Although this petition for withdrawal of the holding of abandonment is being dismissed, other petition remedies are available for bringing about the withdrawal of the holding of abandonment. File 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 1.13(a), a petition for the revival of an *unavoidable* abandoned
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally*

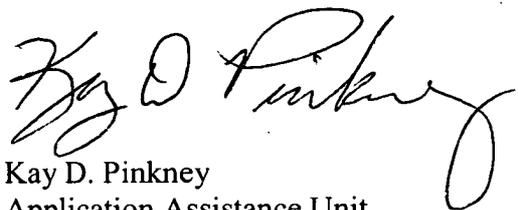
Further correspondence with respect to the petition for revival under 37 CFR 1.137 should be directed to the Office Of Petition at 703-305-9282 or addressed as follows:

By mail:                      Commissioner for Patents  
   P O Box 1450  
   Mail Stop Petitions  
   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  
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[www.uspto.gov](http://www.uspto.gov)

DONN K. HARMS  
PATENT & TRADEMARK LAW CENTER  
SUITE 100  
12702 VIA CORTINA  
DEL MAR CA 92014

In re Application of :  
Paul E. Connors : **DECISION ON PETITION**  
Application No. 12398731 :  
Filed: 03/05/2009 :  
Attorney Docket No. **4124-PAT** :

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on January 6, 2012. This Petition is being treated as a Request to reconsider the Petition Decision of September 13, 2010.

The previous Decision has been reconsidered. The Petition filed August 18, 2010 is **GRANTED**.

The application was held abandoned for failure to timely pay the required issue fee within the statutory period as required by and within the three-month period set in, the Notice of Allowance mailed April 15, 2010. The issue fee payment was not received within the time period for response. Therefore, the application was **properly** held abandoned and the Notice of Abandonment was mailed on August 2, 2010. The fees transmittal with a properly executed Certificate of Mailing or Transmission was subsequently received in the USPTO on August 9, 2010.

Petitioner requested that the abandonment be withdrawn on August 18, 2010 based on evidence that a reply was timely mailed or filed.

37 CFR 1.8 (b): In the event that correspondence is considered timely filed by be mailed, but not received in the U.S. Patent and Trademark Office, the correspondence will be considered timely if the party who forwarded such correspondence:

Promptly informs the Office of the previous mailing after becoming aware that the Office has no evidence of receipt;

Supplies an additional copy of the previously mailed correspondence certificate; and  
Includes a statement that attests on a personal basis to the previous timely mailing.

Petitioner has fulfilled all three requirements, therefore the application is returned to pending status. The Office of Data Management will process the application in preparation for the assignment of a patent number and issue date. It should be noted that the Fee(s) transmittal received on August 9, 2010 included an advanced order for 1 copy of the issued patent. The

credit card authorization form did not include authorization to charge the \$3.00 fee for this copy. Therefore, the advanced order request will not be filled.

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

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



## UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : December 27, 2011

In re Application of :

David Simons

Application No : 12398734

Filed : 05-Mar-2009

Attorney Docket No : 046185-0123

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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12398734	
Filing Date	05-Mar-2009	
First Named Inventor	David Simons	
Art Unit	3682	
Examiner Name	ARTHUR DURAN	
Attorney Docket Number	046185-0123	
Title	COMPUTER ADVERTISING SYSTEM WITH BUILT-IN PER-IMPRESSION CONSUMER FEEDBACK MECHANISM	
<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

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.
12/398,747	03/05/2009	Gabriel Petta	3445-207	1670
1059	7590	12/14/2010	EXAMINER	
BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l. 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA			HERRING, BRENT W	
			ART UNIT	PAPER NUMBER
			3633	
			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.



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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.  
40 KING STREET WEST  
BOX 401  
TORONTO ON M5H 3Y2 CA CANADA

In re application of  
Gabriel Petta  
Application No. 12/398,747  
Filed: March 05, 2009  
For: COLUMN ASSEMBLY

: **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 October 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must disclose an eligible relationship to one or more applications filed in the CIPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO 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 CIPO 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: 12/14/10



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**JEFFER, MANGELS, BUTLER & MITCHELL, LLP**  
**1900 AVENUE OF THE STARS, 7TH FLOOR**  
**LOS ANGELES CA 90067**

**MAILED**  
**SEP 27 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Guagren Chen :  
Application No. 12/398,759 :  
Filed: March 5, 2009 :  
Attorney Docket No. 70121-5001 :

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 August 23, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Brennen C. Swain on behalf of all attorneys/agents associated with customer number 24574. All attorneys/agents associated with customer number 24574 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Guangren Chen  
3149 Edge Moor Drive  
Palm Harbor, FL 34685



UNITED STATES PATENT AND TRADEMARK 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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/398,759	03/05/2009	Guangren CHEN	70121-5001

**CONFIRMATION NO. 1702**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 09/24/2010

24574  
JEFFER, MANGELS, BUTLER & MITCHELL, LLP  
1900 AVENUE OF THE STARS, 7TH FLOOR  
LOS ANGELES, CA 90067

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 08/23/2010.

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

/kainabinet/

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/398,761	03/05/2009	Lawrence K. Pierce	1434-024	1707
32905	7590	06/03/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			06/03/2011	ELECTRONIC

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

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

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

JondleOA@jondlelaw.com



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JUN 03 2011

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
Lawrence K. Pierce :  
Serial No.: 12/398,761 : PETITION DECISION  
Filed: March 5, 2009 :  
Attorney Docket No.: 1434-024 :

This is in response to the petition under 37 CFR § 1.59(b), filed May 26, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 26, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/398,761	03/05/2009	Lawrence K. Pierce	1434-024	1707

32905 7590 11/23/2011  
JONDLE & ASSOCIATES, P.C.  
858 HAPPY CANYON ROAD, SUITE 230  
CASTLE ROCK, CO 80108

EXAMINER

WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/23/2011	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):

JondleOA@jondlelaw.com



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Commissioner for Patents  
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P.O. Box 1450  
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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
Lawrence K. Pierce :  
Serial No.: 12/398,761 : PETITION DECISION  
Filed: March 5, 2009 :  
Attorney Docket No.: 1434-024 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed November 15, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on May 26, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/398,801	03/05/2009	Lawrence K. Pierce	1434-025	1787

32905 7590 06/20/2011  
JONDLE & ASSOCIATES, P.C.  
858 HAPPY CANYON ROAD, SUITE 230  
CASTLE ROCK, CO 80108

EXAMINER

WORLEY, CATHY KINGDON

ART UNIT PAPER NUMBER

1638

NOTIFICATION DATE DELIVERY MODE

06/20/2011

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):

JondleOA@jondlelaw.com



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 Alexandria, VA 22313-1450  
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JUN 20 2011

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 Lawrence K. Pierce :  
 Serial No.: 12/398,801 : PETITION DECISION  
 Filed: March 5, 2009 :  
 Attorney Docket No.: 1434-025

This is in response to the petition under 37 CFR § 1.59(b), filed June 8, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 8, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/398,801	03/05/2009	Lawrence K. Pierce	1434-025	1787
32905	7590	09/28/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			09/28/2011	ELECTRONIC

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

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

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

JondleOA@jondlelaw.com



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SEP 28 2011

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JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:  
Lawrence K. Pierce  
Serial No.: 12/398,801  
Filed: March 5, 2009  
Attorney Docket No.: 1434-025

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 23, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 8, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/398,884	03/05/2009	Lawrence K. PIERCE	1434-019CIP	1966
32905	7590	01/27/2012	EXAMINER	
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			ROBINSON, KEITH O NEAL	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			01/27/2012	ELECTRONIC

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

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

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

JondleOA@jondlelaw.com



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**JAN 27 2012**

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JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 Pierce et al. :  
 Serial No.: 12/398,884 : PETITION DECISION  
 Filed: March 5, 2009 :  
 Attorney Docket No.: 1434-019CIP :

This is in response to the petition under 37 CFR § 1.59(b), filed January 12, 2012, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on January 12, 2012, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/398,884	03/05/2009	Lawrence K. PIERCE	1434-019CIP	1966

32905 7590 01/27/2012  
JONDLE & ASSOCIATES, P.C.  
858 HAPPY CANYON ROAD, SUITE 230  
CASTLE ROCK, CO 80108

EXAMINER
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ROBINSON, KEITH O NEAL

ART UNIT	PAPER NUMBER
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1638

NOTIFICATION DATE	DELIVERY MODE
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01/27/2012

ELECTRONIC

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

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

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

JondleOA@jondlelaw.com



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JAN 27 2012

JONDLE & ASSOCIATES, P.C.  
858 HAPPY CANYON ROAD, SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
Pierce et al. : SUSPENSION OF ACTION  
Serial No.: 12/398,884 :  
Filed: March 5, 2009 :  
Attorney Docket No.: 1434-019CIP :

This is in reply to the petition under 37 CFR 1.103(a) to suspend action in this application at applicants' request for a six month period of time, filed January 12, 2012.

BACKGROUND

Applicants have requested suspension of prosecution for a period of six months on the above-identified application so that Applicant may have additional time to resolve Application no. 11/484,119, to which Application no. 12/818,029 claims priority to, prior to cancelling or amending claims 1-9 and 11-21 of application no. 12/818,029.

DISCUSSION

§ 1.103 Suspension of action by the Office.

- (a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:
- (1) A showing of good and sufficient cause for suspension of action; and
  - (2) The fee set forth in § 1.17(h), unless such cause is the fault of the Office.

DECISION

In view of the above, the petition for suspension of action is **GRANTED** for a period of six months from the date of mailing of this decision.

Should there be any questions with respect to this action, please contact the examiner or Marianne Seidel, by mail addressed to: Director, Technology Center 1600, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office general facsimile number, 571-273-8300.

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/398,896	03/05/2009	Toshiharu Ito	Q112217	1981
23373	7590	03/21/2011	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			VANDERPUYE, KENNETH N	
			ART UNIT	PAPER NUMBER
			2613	
			NOTIFICATION DATE	DELIVERY MODE
			03/21/2011	ELECTRONIC

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

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

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

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



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

In re Application of	:	
ITO, TOSHIHARU	:	DECISION ON REQUEST TO
Application No. 12/398,896	:	PARTICIPATE IN PATENT
Filed: March 5, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. Q112217	:	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 27, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/ Daniel Swerdlow /

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Daniel Swerdlow  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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MORGAN, LEWIS & BOCKIUS LLP (SF)  
One Market, Spear Street Tower, Suite 2800  
San Francisco, CA 94105

**MAILED**  
**JAN 23 2012**  
**OFFICE OF PETITIONS**

In re Patent of Akama et al.	:	DECISION ON REQUEST
Patent No. 8,039,450	:	FOR RECONSIDERATION OF
Issue Date: October 18, 2011	:	PATENT TERM ADJUSTMENT
Application No. 12/399,015	:	AND NOTICE OF INTENT TO
Filing Date: March 5, 2009	:	ISSUE CERTIFICATE OF
Attorney Docket No. 064507-5029-US	:	CORRECTION

This is a decision on the petition filed December 8, 2011, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by three hundred sixty-six (366) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by three hundred sixty-six (366) days is **GRANTED**.

The petition was filed with a payment of \$400 for the petition fee. However, the required petition fee under 37 C.F.R. § 1.18(e) is only \$200. Therefore, the sum of \$200 has been credited to Deposit Account No. 50-0310.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **three hundred sixty-six (366) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO. : 8,039,450 B2  
APPLICATION NO. : 12/399,015  
DATED : October 18, 2011  
INVENTOR(S) : Tsutomu Akama et al.

**DRAFT**

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 355 days.

Delete the phrase "by 355 days" and insert -- by 365 days--



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**MAILED**

**SEP 30 2010**

**OFFICE OF PETITIONS**

HARRIET M. STRIMPEL, D. Phil.  
New England Biolabs, Inc.  
240 COUNTY ROAD  
IPSWICH, MA 01938-2723

In re Application of :  
Christopher H. Taron, et. al. :  
Application No. 12/399,059 : **DECISION ON PETITION**  
Filed: March 6, 2009 :  
Attorney Docket No. NEB-247-DIV-US :

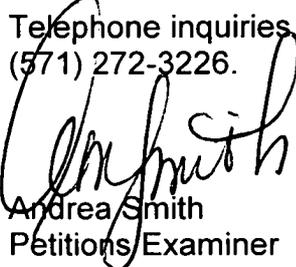
This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2010, to revive the above-identified application.

The application became abandoned for failure to file a timely reply to the Notice of Omitted Item(s) in a Nonprovisional Application mailed July 2, 2009. A Notice of Abandonment was mailed on April 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 amendment to the specification, (2) the petition fee of 810, and (3) a proper statement of unintentional delay. Therefore, the petition is **granted**.

This application 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 Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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**THE MUELLER LAW OFFICE, P.C.**  
**12707 HIGH BLUFF DRIVE, SUITE 200**  
**SAN DIEGO CA 92130**

**MAILED**  
**DEC 20 2011**  
**OFFICE OF PETITIONS**

Applicant: Hilali, et al.  
Appl. No.: 12/399,065  
Filing Date: March 6, 2009  
Title: PHOTOVOLTAIC CELL COMPRISING AN MIS-TYPE TUNNELL DIODE  
Attorney Docket No.: TWINP015/TCA-011  
Pub. No.: US 20100224238 A1  
Pub. Date: September 9, 2010

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

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error wherein one of the inventors name is incorrect.

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

The request is untimely, as it is not filed within two months of September 9, 2010, the date of the patent application publication.

For reference, 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.

---

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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

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

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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GARY C. COHN, PLLC  
215 E. 96TH ST., #19L  
NEW YORK NY 10128

MAILED

SEP 08 2010

In re Application of : OFFICE OF PETITIONS  
King et al. :  
Application No. 12/399,145 : DECISION ON PETITION  
Filed: March 6, 2009 :  
Attorney Docket No. UTC 018A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 20, 2009 and the Notice of Incomplete Reply (Nonprovisional) mailed September 1, 2009. The original Notice set a period for reply of two (2) months from the mail date of the Notice. A three-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on August 21, 2009. A Notice of Abandonment was mailed April 15, 2010.

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

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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

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

Joan Olszewski  
Petition Examiner  
Office of Petitions



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/399,149 03/06/2009 Kouichirou Mori NCORP159US 1467

7590 02/18/2011
TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

EXAMINER
GAFFIN, JEFFREY A

ART UNIT PAPER NUMBER
2117

NOTIFICATION DATE DELIVERY MODE
02/18/2011 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 Nomi Barnes
Patent Publication Branch
Office of Data Management



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**CONNOLLY BOVE LODGE & HUTZ LLP**  
**P.O. BOX 2207**  
**WILMINGTON DE 19899-2207**

**MAILED**  
**AUG 24 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Friel et al.

Application No. 12/399,176

Filed: March 6, 2009

Attorney Docket No. FRIEL-105A

: DECISION ON PETITION  
: UNDER 37 CFR 1.78(a)(6)  
:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed July 5, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application, as set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

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

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

This petition lacks item (1).

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

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

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

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

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment<sup>1</sup> deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(6), is required. No further petition fee is necessary.

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

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

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

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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> Note 37 CFR 1.121

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**CONNOLLY BOVE LODGE & HUTZ LLP**  
**P.O. BOX 2207**  
**WILMINGTON DE 19899-2207**

**MAILED**

**OCT 21 2011**

**OFFICE OF PETITIONS**

In re Application of  
Friel et al.  
Application No. 12/399,176  
Filed: March 6, 2009  
Attorney Docket No. FRIEL-105A

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:  
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:  
:

**ON PETITION**

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed September 23, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of prior-filed provisional Application No. 60/457,993, filed March 27, 2003, as set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.

Along with the instant petition under 37 CFR 1.78(a)(6), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to the above-noted, prior-filed application.

The instant pending nonprovisional application was filed on March 6, 2009, and was pending at the time of filing of the instant petition. While a reference to the prior-filed application was not included in an Application Data Sheet (ADS) or correctly identified in the first sentence of the specification following the title, reference nevertheless was made in the Oath/Declaration filed on March 6, 2009 in the above-identified application.

The current procedure where a claim for priority under 37 CFR § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(5)(ii). However, on the other hand, if the USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR §

1.78(a)(6).<sup>1</sup> In the instant case, the Office noted the claim for priority of above-noted, prior-filed provisional application in the Oath/Declaration filed March 6, 2009 in the above-identified application, as shown by its inclusion on the filing receipt issued March 20, 2009.

In view of the above, the \$1,410.00 petition fee submitted is unnecessary and will be refunded to petitioner's credit card in due course.

Any questions concerning this decision on petition may be directed to Joan Olszewski at (571) 272-7751. 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 the Examiner of Technology Center AU 3727 for appropriate action on the amendment filed September 23, 2011, including consideration of the claim under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(6) for benefit of the prior-filed application.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> Note MPEP 201.11 (V), page 200-75 (Rev. 1. Feb. 2004 and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:**20111107

**DATE** : November 07, 2011

**TO SPE OF** : ART UNIT 2444

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7996532

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:**

/PETER-ANTHONY PAPPAS/  
Supervisory Patent Examiner.Art Unit 2444

Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>
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Application Number	12399196
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Filing Date	06-Mar-2009
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First Named Inventor	Janet Coope-Epstein
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Attorney Docket Number	SWS-0828-1
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Title	SHAVING AID MATERIAL
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The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:  
 (1) Petition fee;  
 (2) Reply and/or issue fee;  
 (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and  
 (4) Statement that the entire delay was unintentional

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

2. Reply and/or fee

- I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on
- Amendment and response are attached

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on
- RCE Request, Submission, and Fee are attached

Notice of Appeal

I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

A joint inventor; all of whom are signing this e-petition

The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Timothy A. Johnson/
Name	Timothy A. Johnson
Registration Number	51234



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date December 21, 2011

In re Application of Janet Coope-Epstein

Application No. 12399196

Filed: 06-Mar-2009

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. SWS-0828-1

This is an electronic decision on the petition under 37 CFR 1.137(b), December 21, 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 outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

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

This application file is being directed to the Technology Center.

Office of Petitions



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**LEWIS, BRISBOIS, BISGAARD & SMITH LLP**  
221 NORTH FIGUEROA STREET  
SUITE 1200  
LOS ANGELES CA 90012

**MAILED**

**MAY 20 2011**

**OFFICE OF PETITIONS**

In re Application of :  
FLYNN :  
Application No. 12/399,231 :  
Filed: March 6, 2009 :  
Attorney Docket No. 26705-29 :  
: **DECISION ON PETITION**  
: **TO WITHDRAW**  
: **FROM RECORD**  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 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 Sanford Astor, on behalf of the attorneys of record associated with Customer No. 33417.

The attorneys of record associated with Customer No. 33417 have been withdrawn.

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

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

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

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

cc: MICHAEL PATRICK FLYNN  
MPF TECHNOLOGIES, INC.,  
6550 LA VALLE PLATEADA  
RANCHO SANTA FE CA 92067



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/399,231	03/06/2009	Michael Patrick Flynn	26705-29

CONFIRMATION NO. 1609

POWER OF ATTORNEY NOTICE

33417  
LEWIS, BRISBOIS, BISGAARD & SMITH LLP  
221 NORTH FIGUEROA STREET  
SUITE 1200  
LOS ANGELES, CA 90012



Date Mailed: 05/19/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/11/2011.

- 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

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12399237
Filing Date	06-Mar-2009
First Named Inventor	Hiroyuki Sakai
Art Unit	2625
Examiner Name	SCOTT ROGERS
Attorney Docket Number	00862.145818.
Title	IMAGE PROCESSING APPARATUS AND METHOD TO OUTPUT A PRINT IMAGE EMBEDDED WITH EMBEDDED INFORMATION INCLUDING REGION INFORMATION INDICATING A REGION OBTAINED BY MERGING A REGION ON AN INPUT IMAGE CORRESPONDING TO A SPECIFIED IMAGE REGION WHICH IS NOT TO BE PRINTED WHEN THE PRINT IMAGE IS PRINTED, AND A SURROUNDING REGION

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	/Gary M. Jacobs/
Name	Gary M. Jacobs
Registration Number	28861



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 3, 2012

In re Application of :

Hiroyuki Sakai

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12399237

Filed : 06-Mar-2009

Attorney Docket No : 00862.145818.

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 3, 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 2625 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**HUSCH BLACKWELL LLP  
190 CARONDELET PLAZA  
SUITE 600  
ST. LOUIS MO 63105-3441**

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of  
Mark Anthony Klein et al.  
Application No. 12/399,305  
Filed: March 6, 2009  
Attorney Docket No. 483915-001

**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. § 1.136(b), filed November 12, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 H. Frederick Rusche on behalf of all attorneys/agents associated with customer number 29493. All attorneys/agents associated with customer number 29493 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: Mr. Mark Klein  
P.O. Box 152  
Carlock, IL 61725



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/399,305	03/06/2009	Mark Anthony Klein	483915-001

**CONFIRMATION NO. 1787**

**POWER OF ATTORNEY NOTICE**



29493  
HUSCH BLACKWELL LLP  
190 CARONDELET PLAZA  
SUITE 600  
ST. LOUIS, MO 63105-3441

Date Mailed: 12/06/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/12/2010.

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

/kainabinet/

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



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PEACOCK MYERS, PC.  
P.O. BOX 26927  
ALBUQUERQUE, NM 87125-6927

**MAILED**

AUG 02 2010

**OFFICE OF PETITIONS**

In re Application of  
**Kevin FORREST**  
Application No. 12/399,420  
Filed: March 6, 2009  
Attorney Docket No. **32792-CIP-02**

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 July 7, 2010.

The request is **APPROVED**.

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

The request was signed by Deborah A. Peacock on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

cc: **PLANT OIL POWERED DIESEL FUEL SYSTEMS, INC.**  
**P.O. BOX 6397**  
**SANTA FE, NM 87502**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/399,435	03/06/2009	Martin E. Fermann	A10124	2048
23373	7590	11/08/2011	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CONNOLLY, PATRICK J	
			ART UNIT	PAPER NUMBER
			2877	
			NOTIFICATION DATE	DELIVERY MODE
			11/08/2011	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):

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

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

*In re* Application of Martin Fermann et al. :

Appl. No.: 12/399,435 :

Filed: March 6, 2009 :

Attorney Docket No.: A10124 :

For: OPTICAL SCANNING AND IMAGING :  
SYSTEMS BASED ON DUAL PULSED LASER :  
SYSTEMS :

DECISION ON PETITION  
UNDER 37 C.F.R. § 1.59

This is a decision on the petition under 37 C.F.R. § 1.59(b), filed August 5, 2011, to expunge information filed concurrently therewith from the above-identified application. The application has been allowed and a Notice of Allowance and Fee(s) Due was mailed on October 14, 2011.

The petition is GRANTED.

Petitioner asserts that that the Proprietary Information Disclosure Statement filed on August 5, 2011, contains proprietary information of the assignee and requests that the information be expunged from the record.

The information in question has been determined by the examiner and by the undersigned to not be material to the examination of the instant application and may be expunged. The expunged material has been removed from the official file record.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

John W. Cabeca, TC Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/399,571 03/06/2009 Keiji YAMAMOTO Q111876 2304

7590 03/02/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

BERNSHTEYN, MICHAEL

ART UNIT PAPER NUMBER

1762

NOTIFICATION DATE DELIVERY MODE

03/02/2011

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 Armes

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/399,582	03/06/2009	Yoshihisa Sato	MNL-2018-2263	2324

23117 7590 11/17/2011  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER
----------

REDMANN, GREGORY J

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
11/17/2011	PAPER

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

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



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

NOV 17 2011

**In re Application of  
SATO et al.  
Application No.: 12/399,582  
Filed: March 6, 2009  
Attorney Docket No.: MNL-2018-2263**

**: 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 September 13, 2011, to make the above-identified application special.

The request and petition are **DISMISSED** as moot in view of the first action mailed October 24, 2010.

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

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

/Colleen Dunn/

Colleen Dunn  
TQAS, TC 2800



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : March 2, 2012

In re Application of :

Kapil Pant

Application No : 12399606

Filed : 06-Mar-2009

Attorney Docket No : CFDRcbet015

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 2, 2012

The request is **APPROVED**.

The request was signed by Tomas Friend (registration no. 54789 ) on behalf of all attorneys/agents associated with Customer Number 53371 . All attorneys/agents associated with Customer Number 53371 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 CFD Research Corporation  
Name2 Att.: Vincent Harrand  
Address 1 215 Wynn Drive  
Address 2 Suite 501  
City Huntsville  
State AL  
Postal Code 35805  
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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12399606	
Filing Date	06-Mar-2009	
First Named Inventor	Kapil Pant	
Art Unit	1641	
Examiner Name	NELSON YANG	
Attorney Docket Number	CFDRCbet015	
Title	Particle Adhesion Assay for Microfluidic Bifurcations	
<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:		53371
The reason(s) for this request are those described in 37 CFR: 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 first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	CFD Research Corporation Att.: Vincent Harrant	
Address	215 Wynn Drive Suite 501	
City	Huntsville	
State	AL	
Postal Code	35805	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Tomas Friend/
Name	Tomas Friend
Registration Number	54789



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Alexandria, VA 22313-1450  
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**ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000**

**MAILED  
MAR 31 2011  
OFFICE OF PETITIONS**

In re Application of :  
**David PHILLIPS, et al.** :  
Application No. 12/399,610 :  
Filed: March 6, 2009 :  
Attorney Docket No. **048501/369356** :

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 29, 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.

Petitioner has not properly submitted forwarding correspondence address information for the application.

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

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

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

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). For petitioner's convenience, a PTO/SB/96 Statement Under 37 CFR 3.73(b) form has been enclosed.

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 7253.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-1600.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions



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

**MAILED**  
**JUN 11 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
<b>David PHILLIPS, et al.</b>	:	
Application No. 12/399,610	:	DECISION ON PETITION TO
Filed: March 6, 2009	:	WITHDRAW FROM RECORD
Attorney Docket No. <b>PARA002USD1</b>	:	

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

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **ALSTON & BIRD, LLP** has been revoked by the assignee of the patent application on May 11, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

cc: **CONVERGENT LAW GROUP, LLP**  
**P.O. BOX 1329**  
**MOUNTAIN VIEW, CA 94042**



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**MARSHALL, GERSTEIN & BORUN LLP  
233 SOUTH WACKER DRIVE  
6300 WILLIS TOWER  
CHICAGO IL 60606-6357**

**MAILED**

**OCT 22 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Richard H. Rech :  
Application No. 12/399,629 : **ON PETITION**  
Filed: March 6, 2009 :  
Attorney Docket No. 31242/42612 :  
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 11, 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 applicant's attorney that applicant is 65 years of age and a statement from applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. 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 1614 for action on the merits commensurate with this decision.

*Joan Olszewski*  
Joan Olszewski  
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.
12/399,744 03/06/2009 Go Tomita 8073P643 2675

7590 12/13/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
KOSTAK, VICTOR R

ART UNIT PAPER NUMBER
2422

MAIL DATE DELIVERY MODE
12/13/2011 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.

Betty Powell

Patent Publication Branch
Office of Data Management



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STOEL RIVES LLP- SLC  
201 SOUTH MAIN STREET, SUITE 1100  
ONE UTAH CENTER  
SALT LAKE CITY, UT 84111

**MAILED**

**APR 20 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Rodney L. Sheets :  
Application No. 12/399,790 :  
Filed: March 6, 2009 :  
Attorney Docket No. 36902/14 :  
: 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 25, 2011.

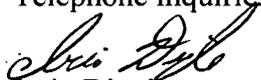
The request is **APPROVED**.

The request was signed by Kory D. Christensen on behalf of all the practitioners of record and the practitioners associated with Customer Number 32642.

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

All future correspondence will be directed to assignee Velosum, Inc. at the below address.

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

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Velosum, Inc.  
9690 South 300 West, Suite 313  
Sandy, UT 84070



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/399,790	03/06/2009	Rodney L. Sheets	36902/14

**CONFIRMATION NO. 2767**

**POWER OF ATTORNEY NOTICE**



32642  
STOEL RIVES LLP - SLC  
201 SOUTH MAIN STREET, SUITE 1100  
ONE UTAH CENTER  
SALT LAKE CITY, UT 84111

Date Mailed: 04/20/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/25/2011.

- 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.

/s/ idingle/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/399,790	03/06/2009	Rodney L. Sheets	36902/14

Velosum, Inc.  
9690 South 300 West, Suite 313  
Sandy, UT 84070

**CONFIRMATION NO. 2767**  
**POA ACCEPTANCE LETTER**



Date Mailed: 04/20/2011

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/25/2011.

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

/s/ [Signature]

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



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**NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON DC 20004-2128**

**MAILED**

**NOV 07 2011**

**OFFICE OF PETITIONS**

In re Application of  
Valentine Hechler  
Application No. 12/399,822  
Filed: March 6, 2009  
Attorney Docket No. 740944-29

:  
:  
:  
:  
:  
:

**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. § 1.136(b), filed October 19, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Joey C. Yao on behalf of all attorneys/agents associated with customer number 22204. All attorneys/agents associated with customer number 22204 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Valentine Hechler IV  
26 Meadowview Drive  
Northfield, IL 60093



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/399,822	03/06/2009	Valentine Hechler	740944-29

**CONFIRMATION NO. 2832**

**POWER OF ATTORNEY NOTICE**



0000000050793936

22204  
NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON, DC 20004-2128

Date Mailed: 11/03/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/19/2011.

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

/kainabinet/

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



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**ZALE PATENT LAW  
121 OLD ORCHARD ROAD  
CLARKS SUMMIT PA 18503-2053**

**MAILED**

**DEC 20 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Salvatore Charles PICARDI, et al	:	
Application No. 12/399,844	:	DECISION ON PETITION
Filed: March 6, 2009	:	TO WITHDRAW
Attorney Docket No. W-01174 US ND AM	:	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 29, 2010.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because the request does not include a current correspondence address for the first named inventor.

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

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

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

Cc: ALI RAZAVI  
122 WHITE BIRCH LANE  
DALLAS PA 18612



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**LESAVICH HIGH-TECH LAW GROUP, P.C.  
SUITE 325  
39 S. LASALLE STREET  
CHICAGO IL 60603**

**MAILED**

**MAY 09 2011**

**OFFICE OF PETITIONS**

In re Application of  
Edward S. Honour  
Application No. 12/399,933  
Filed: March 7, 2009  
Attorney Docket No. 09,109-A

**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 15, 2011.

The request is **NOT APPROVED**.

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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**LESAVICH HIGH-TECH LAW GROUP, P.C.**  
**SUITE 325**  
**39 S. LASALLE STREET**  
**CHICAGO IL 60603**

**MAILED**

**MAY 09 2011**

In re Application of  
Edward S. Honour  
Application No. 12/399,962  
Filed: March 8, 2009  
Attorney Docket No. 09,110-A

**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 March 15, 2011.

The request is **NOT APPROVED**.

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

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

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

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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**ABELMAN, FRAYNE & SCHWAB**  
**666 THIRD AVENUE, 10TH FLOOR**  
**NEW YORK, NY 10017**

**MAILED**

**JAN 20 2011**

In re Application of :  
Gazzara et al. :  
Application No. 12/400,097 :  
Filed: March 9, 2009 :  
Attorney Docket No. 314,365 :

**OFFICE OF PETITIONS**

**ON PETITION**

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

The petition is **GRANTED**.

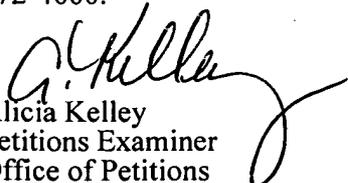
The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed December 8, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the application became abandoned on April 9, 2010. A Notice of Abandonment was mailed August 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 a 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.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000.

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions



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DR. D. GRAESER LTD.  
9003 FLORIN WAY  
UPPER MARLBORO MD 20772

**MAILED**

**NOV 09 2010**

**OFFICE OF PETITIONS**

In re Application of :  
David Segal et al. :  
Application No. 12/400,109 :  
Filed: March 9, 2009 :  
Attorney Docket No. 884 :

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 19, 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) 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 a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3772 for action on the merits commensurate with this decision.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
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**KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834**

**MAILED**

**JUN 21 2011**

**OFFICE OF PETITIONS**

In re Application of :  
De Villiers et al. :  
Application No. 12/400,221 : **DECISION ON PETITION**  
Filed: March 9, 2009 : **TO WITHDRAW FROM RECORD**  
Attorney Docket No. 022031-004210US :  
:

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

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 10, 2011 the power of attorney to Kilpatrick Townsend & Stockton LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: **WILSON, SONSINI, GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO CA 94304-1050**

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 11/01/11

TO SPE OF : ART UNIT 3677

SUBJECT : Request for Certificate of Correction for Appl. No.: 12400301 Patent No.: 7945998

CofC mailroom date: 10/24/11

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

**FOR IFW FILES:**

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

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

**FOR PAPER FILES:**

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

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

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

Note: Should the changes to the Inventorship be approved?

*Lamonte Newsome*

Certificates of Correction Branch

**571-272-3421**

**Thank You For Your Assistance**

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

Note your decision on the appropriate box.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Victor Bottr*

3677

**SPE**

**Art Unit**

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12400338	
Filing Date	09-Mar-2009	
First Named Inventor	DAVID CROOK	
Art Unit	3733	
Examiner Name	MICHELLE ECKMAN	
Attorney Docket Number	33939/27	
Title	UNILATERAL FACET BOLT INSERTER	
<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

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 13, 2012

In re Application of :

DAVID CROOK

Application No : 12400338

Filed : 09-Mar-2009

Attorney Docket No : 33939/27

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



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.
12/400,358	03/09/2009	Koji Kido	339224US6	3866
22850	7590	11/17/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			HA, STEVEN S	
			ART UNIT	PAPER NUMBER
			1735	
			NOTIFICATION DATE	DELIVERY MODE
			11/17/2010	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):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



CST

November 15, 2010

In re application of	:	DECISION ON REQUEST TO
Koji Kido et al	:	PARTICIPATE IN PATENT
Serial No. 12/400,358	:	PROSECUTION HIGHWAY
Filed: March 9, 2009	:	PROGRAM AND
For: IMMERSION NOZZLE FOR	:	PETITION TO MAKE SPECIAL
CONTINUOUS CASTING	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed September 16, 2010.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:

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

(3) Applicant must:

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

Application No. 12/400,358

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

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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Alexandria, VA 22313-1450  
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**FELDMAN GALE, P.A.**  
1700 Market Street  
Suite 3130  
Philadelphia, PA 19103

**MAILED**

**AUG 16 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Bryan Kattwinkel	:	
Application No. 12/400,422	:	DECISION ON PETITION
Filed: March 9, 2009	:	TO WITHDRAW
Attorney Docket No. 1264.ADAP0003CIP8	:	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 June 22, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael C. Cesarano on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **ADAPT4, LLC**  
**1050 West Nasa Boulevard**  
**Suite 3130**  
**Melbourne, FL 32901**



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
PO Box 1450  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/400,422	03/09/2009	Bryan Kattwinkel	1264.ADAP0003CIP8

**CONFIRMATION NO. 3968**

**POWER OF ATTORNEY NOTICE**



44338  
FELDMAN GALE, P.A.  
1700 Market Street  
Suite 3130  
Philadelphia, PA 19103

Date Mailed: 08/16/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/22/2010.

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

/tsjohnson/

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



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

A PATENT LAWYER CORP, PLC  
R WILLIAM GRAHAM  
22 S ST CLAIR ST  
DAYTON OH 45402

MAILED

AUG 18 2010

OFFICE OF PETITIONS

In re Patent No. 7,774,878 :  
Issue Date: August 17, 2010 : DECISION ON PETITION  
Application No. 12/400,459 : TO WITHDRAW  
Filed: March 9, 2009 : FROM RECORD  
Attorney Docket No. D-00028-001 :

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 6, 2010.

The request is **NOT APPROVED**.

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

The request was signed by R. William Graham on behalf of all attorneys of record associated with Customer Number 25179. **However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.**

The above-identified application issued as Patent No. 7,774,878 on August 17, 2010.

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

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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**BUHLER ASSOCIATES  
BUHLER, KIRK A.  
1101 CALIFORNIA AVE.  
SUITE 208  
CORONA CA 92881**

**MAILED**

**JUN 06 2011**

In re Application of  
Edward Alfonson  
Application No. 12/400,506  
Filed: March 9, 2009  
Attorney Docket No. EA01-02U

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 4, 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 Missing Parts of Nonprovisional Application (Notice), mailed March 20, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 21, 2011. The Notice of Abandonment was mailed March 26, 2010.

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

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

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 18, 2012

In re Application of :

Alexander Bakman

Application No : 12400559

Filed : 09-Mar-2009

Attorney Docket No : 099257-0102

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 April 18, 2012

The request is **APPROVED**.

The request was signed by McKenna, Christopher (registration no. 53302 ) on behalf of all attorneys/agents associated with Customer Number 48329 . All attorneys/agents associated with Customer Number 48329 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 VKERNEL CORPORATION  
Name2  
Address 1 300 BRICKSTONE SQUARE  
Address 2 SUITE 503  
City ANDOVER  
State MA  
Postal Code 01810  
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

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12400559	
Filing Date	09-Mar-2009	
First Named Inventor	Alexander Bakman	
Art Unit	2195	
Examiner Name	BRIAN CHEW	
Attorney Docket Number	099257-0102	
Title	UNIFIED MANAGEMENT PLATFORM IN A COMPUTER NETWORK	
<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:		48329
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	VKERNEL CORPORATION	
Address	300 BRICKSTONE SQUARE SUITE 503	
City	ANDOVER	
State	MA	
Postal Code	01810	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/McKenna, Christopher/
Name	McKenna, Christopher
Registration Number	53302



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

**STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**  
**1100 NEW YORK AVENUE, N.W.**  
**WASHINGTON DC 20005**

**MAILED**  
**APR 25 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
REISMAN, Richard R. :  
Application No. 12/400,590 : DECISION DISMISSING PETITION  
Filed: March 9, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 2222.431000Q :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 6, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional applications.

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 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.

The petition does not satisfy item (1) above.

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. Here, no relationship is given in the amendment or the ADS between this application and application serial no. 09/553,397. See MPEP Section 201.11 III.C., Reference to

Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Also, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application serial number 09/553,337. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR §§ 1.78(a)(3) can be granted, a renewed petition and a substitute amendment correcting the above matter 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.



Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

**MAILED**  
**JUN 07 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
REISMAN, Richard R. :  
Application No. 12/400,590 : DECISION ON PETITION  
Filed: March 9, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 2222.431000Q :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment 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.

Copendency does not exist between the present application serial no. 12/400,590 filed March 9, 2008, and application serial no 09/553,397, filed April 20, 2000.

Under 35 U.S.C. 120, when a later-filed application is claiming the benefit of a prior-filed nonprovisional application, the later-filed application must be copending with the prior application or with an intermediate nonprovisional application similarly entitled to the

benefit of the filing date of the prior application. Copendency is defined in the clause which requires that the later-filed application must be filed before: (A) the patenting of the prior application; (B) the abandonment of the prior application; or (C) the termination of proceedings in the prior application.

Here, application serial no. 09/553,397 was abandoned on December 9, 2008 for failure to prosecute, before the filing date of present application serial no. 12/400,590 filed March 9, 2009.

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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

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

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

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

  
David Bucc  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
www.uspto.gov

August 22, 2011

Jesus Del Castillo  
Kilpatrick Townsend & Stockton LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834

Patent No. : 7,995,580 B2  
Appl. No. : 12/400,594  
Inventor(s) : Ronak Patel, et al.  
Issued : August 9, 2011  
Title : **BACKPLANE INTERFACE ADAPTER WITH ERROR CONTROL AND REDUNDANT FABRIC**  
Docket No. : 85284-761445 (006513 US)

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 petition 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.

/Virginia Tolbert/  
Virginia Tolbert  
For Mary F. Diggs  
Decisions & Certificates  
of Correction Branch  
(571) 272-0460

vt



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Kilpatrick Townsend & Stockton LLP/Foundry/Brocade  
Two Embarcadero Center, Eighth Floor  
San Francisco CA 94111

**MAILED**

SEP 21 2011

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 7,995,580 :  
Issue Date: August 9, 2011 :  
Application No. 12/400,594 :  
Filed: March 9, 2009 :  
Attorney Docket No. **85284-** :  
**761445(006513US)** :

This is a decision on the petition filed September 15, 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 request is **GRANTED**.

Petitioner states that the correct assignee's name is "Foundry Networks, LLC" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

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

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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**MAILED**

**AUG 25 2011**

**OFFICE OF PETITIONS**

**Advantage Law Group  
922 W. Baxter Dr.  
Suite 100  
South Jordan UT 84095**

In re Application of	:	
E. Sean Cox et al.	:	
Application No. 12/400,678	:	DECISION ON PETITION
Filed: March 9, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 4005-0003	:	

This is a decision on the petition, filed August 5, 2011, 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 March 8, 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. § 22(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of November 24, 2011 accompanies this decision on petition.

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

This application is being forwarded to Technology Center 3676 for further processing.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 4 columns: APPLICATION NUMBER (12/400,678), FILING OR 371(C) DATE (03/09/2009), FIRST NAMED APPLICANT (E. Sean Cox), ATTY. DOCKET NO./TITLE (4005-0003)

CONFIRMATION NO. 4428

85486
Advantedge Law Group
922 W. Baxter Dr.
Suite 100
South Jordan, UT 84095

NONPUBLICATION RESCISSION LETTER



Date Mailed: 08/19/2011

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 11/24/2011.

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.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

**MAILED**

**APR 25 2011**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of :  
Nigel P. Cook et al :  
Application No. 12/400,703 :  
Filed: March 9, 2009 :  
Attorney Docket No. PACKAGING AND :  
DETAILS OF A WIRELESS POWER DEVICE :

This is a decision on the petition, filed April 21, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on March 2, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2836 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement and amendment.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> 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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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450

Morgan Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

**MAILED**  
FEB 15 2011  
**OFFICE OF PETITIONS**

In re Application of :  
Richard S. DONDERO et al. : DECISION GRANTING PETITION  
Application No. 12/400,742 : UNDER 37 CFR 1.137(b)  
Filed: 9 March 2009 :  
Atty. Docket No.: 61945-5024 :

This is a decision on the petition under 37 CFR 1.137(b), filed 31 December 2010, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the non-final Office action mailed 14 June 2010 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained within the reply period. The application thus became abandoned on 15 September 2010, with notification mailed 22 December 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the 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 petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of \$810.00 (small entity), and (3) a Statement of unintentional delay. The reply to the outstanding Office action 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 S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555.00 extension of time fee submitted with the petition on 31 December 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Technology Center Art Unit 1635 for further action on the filed Response.

A handwritten signature in black ink, appearing to read 'David Bucci', written over the printed name.

David Bucci  
Petitions Examiner  
Office of Petitions



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GOMEZ INTERNATIONAL PATENT OFFICE, LLC  
1501 N. RODNEY STREET  
SUITE 101  
WILMINGTON DE 19806

**MAILED**  
**APR 16 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Bendre et al. :  
Application No. 12/400,771 : DECISION ON PETITION  
Filed: March 9, 2009 : PURSUANT TO  
Attorney Docket No. ITS-1 : 37 C.F.R. § 1.137(B)  
USA :  
Title: RADIATION THERAPY :  
TATTOOING SYSTEM FOR PATIENT :  
POSITIONING :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed March 18, 2012, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed July 22, 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 October 23, 2011. A notice of abandonment was mailed on March 1, 2012.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted 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 March 18, 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.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>1</sup> All other inquiries concerning this application should be directed to the Technology Center.



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Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> 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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KNOBBE MARTENS  
OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

**MAILED**  
**NOV 23 2010**  
**OFFICE OF PETITIONS**

In re Application of  
Bell :  
Application No. 12/400,772 : DECISION ON PETITION  
Filed/Deposited: 9 March, 2009 :  
Attorney Docket No. KM2326.015A :

This is a decision on the petition filed on 5 February, 2010, under 37 C.F.R. §1.47.

**NOTE:**

It appears that the petition may have been improperly submitted/coded on filing, such that it was not forwarded to the Office of Petitions for consideration until 16 November, 2010.

Petitioner is cautioned always to ensure that EFS submissions are properly submitted/coded in order that they might be reviewed promptly.

A grantable petition under 37 C.F.R. §1.47(b) requires: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage.

*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.*

Application No. 12/400,772

The petition under 37 C.F.R. §1.47(b) is GRANTED.

### BACKGROUND

The record indicates:

The instant application was filed on 9 March, 2009, without, *inter alia*, a fully executed oath/declaration.

On 23 March, 2009, the Office mailed the Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 23 September, 2009, Petitioner Andrew L. Ney (Reg. No. 20,300) filed a petition with, *inter alia*, fee, authorization of fee for extension of time, an oath/declaration executed/signed by Petitioner (with an express averment of authorization to sign) on behalf of the non-signing inventor Matthew Bell (Mr. Bell); an averment of by-hand delivery, but no supporting documentation (e.g., letter of transmittal) perpetuating the event; an apparent Email transmission of an oath/declaration and assignment to the non-signing inventor—but no evidence of receipt and readability and no evidence of transmission of the entire application (description, claims, abstract, drawings). No evidence of transmittal (e.g., via U.S. Postal Service (USPS) or courier of the entire application (description, claims, abstract and drawings), but no showing of diligence as to determining the reasonably believed to be valid/current/last known address of the non-signing inventor; the extent of the redaction of the assignment documents averred to have been executed by the non-signing inventor weakens the showing of proprietary interest foundational to the interest/irreparable damage averred. (See MPEP §409.03, and §409.03(a), et seq: “a showing of a *bona fide* attempt.”)<sup>1</sup> The petition was dismissed on 8 December, 2009.

On 5 February, 2010, Petitioner renewed the petition pursuant to 37 C.F.R. §1.47 now with, *inter alia*, a showing of transmission of the entire application (description, claims, abstract, drawing(s)) to the non-signing inventor; With a copy of the courier transmittal/delivery receipt and a showing as to diligence in the identification of a valid/current/reasonably believed to be last known address of the non-signing inventor, and that the non-signing inventor failed to sign/join in the oath/declaration, construed as a constructive refusal to sign/join. Thus, Petitioner appeared to have completed the requirements of a grantable petition pursuant to 37 C.F.R.

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<sup>1</sup> Petitioners always are reminded to move stepwise through the requirements of a grantable petition under 37 C.F.R. §1.47(b), to wit: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage. Petitioner is reminded to be attentive to the guidance provided in the Commentary in the Manual of Patent Examining Procedure, including that at MPEP §409.03, et seq. As to 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): the applicable statute (35 U.S.C. § 116) requires that a “diligent effort” have been expended in attempting to find or reach the non-signing inventor. (See MPEP §409.03, and §409.03(a) and (e).)

Application No. 12/400,772

§1.47(b), to wit: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses—including constructive refusal—to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage.

*Again it is noted that it appears that the petition may have been improperly submitted/coded on filing, such that it was not forwarded to the Office of Petitions for consideration until 16 November, 2010.*

*Petitioner is cautioned always to ensure that EFS submissions are properly submitted/coded in order that they might be reviewed promptly.*

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.<sup>2</sup>

The application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b). This application is hereby accorded Rule 1.47(b) status.

#### CONCLUSION

The instant petition under 37 C.F.R. §1.47(b) is **granted**.

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

<sup>2</sup> 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. 12/400,772

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>3</sup>) 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

<sup>3</sup> 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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MATTHEW BELL  
4245 LOS PALOS AVENUE  
PALO ALTO, CA 94306

**MAILED**  
**NOV 23 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Bell : COMMUNICATION  
Application No. 12/400,772 :  
Filed/Deposited: 9 March, 2009 :  
Attorney Docket No. KM2326.015A :

Dear Matthew Bell:

You are named as an inventor (or the legal representative thereof) in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Application No. 12/400,772

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/your action(s) or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Counsel of Record  
KNOBBE MARTENS  
OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

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<sup>1</sup> 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.
12/400,777	03/09/2009	David Suurballe	APLE.P0006C2	4637
62224	7590	08/02/2010	EXAMINER	
ADELI & TOLLEN, LLP 11940 San Vicente Blvd., Suite 100 LOS ANGELES, CA 90049			PATEL, NITIN C	
			ART UNIT	PAPER NUMBER
			2116	
			MAIL DATE	DELIVERY MODE
			08/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ADELI & TOLLEN, LLP  
11940 San Vicente Blvd., Suite 100  
Los Angeles CA 90049

In re Application of	:	
SUURBALLE, David	:	DECISION ON PETITION
Application No. 12/400,777	:	TO MAKE SPECIAL UNDER
Filed: March 9, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. APLE.P0006C2	:	PILOT PROGRAM

APR 09 2010

This is a decision on the petition under 37 CFR 1.102, filed July 23, 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**.

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.

The application is being forwarded to the Technology Center Art Unit 2115 for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

---

Eddie C. Lee  
Quality Assurance Specialist  
Technology Center 2100

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : **12/20/10**

TO SPE OF : ART UNIT: **1727 Attn: YUAN DAH-WEI D (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/400850** Patent No.: **7816048**

CofC Mailroom date: **12/16/10**

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580**

**Tasneem Siddiqui**  
Certificates of Correction Branch  
703-756-1593 or 703-756-1814

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

  
\_\_\_\_\_  
**SPE** **1727**  
Art Unit



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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.
12/400,863	03/10/2009	Shinichi KANNO	339272US2SRD CONT	4822
22850	7590	10/04/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			2112	
			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):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

In re Application of: S. KANNO  
Application No. 12/400,863  
Attorney Docket #: 339272US2SRD CONT  
Filed: March 10, 2009  
For: SEMICONDUCTOR MEMORY DEVICE  
AND ITS CONTROL METHOD

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 9, 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/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



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INTERNATIONAL BUSINESS MACHINES CORPORATION  
9000 SOUTH RITA ROAD  
TUCSON AZ 85744

**MAILED**

AUG 23 2011

**OFFICE OF PETITIONS**

In re Application of :  
Arun Batish et al. :  
Application No. 12/400,944 : **DECISION ON PETITION**  
Filed: March 10, 2009 :  
Attorney Docket No. :  
TUC920090005US1 (0127) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 4, 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 July 11, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 11, 2011. Accordingly, the date of abandonment of this application is July 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee previously submitted on July 8, 2011, of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized flourish extending to the right.

JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: John A. Griffiths  
2108 N. Lemon Street  
Mesa, AZ 85215



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date April 18, 2012

In re Application of Zhijun Gu

Application No. 12400961

Filed: 10-Mar-2009

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. HORZ-003

This is an electronic decision on the petition under 37 CFR 1.137(b), April 18, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>
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Application Number	12400961
Filing Date	10-Mar-2009
First Named Inventor	Zhijun Gu
Attorney Docket Number	HORZ-003
Title	Membrane Electrode and Current Collecting Board Assembly of Electrochemical Cell, and

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

**Petition Fee**

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

**2. Reply and/or fee**

- I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on
- Amendment and response are attached

**RCE request, submission, and fee.**

- I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on
- RCE Request, Submission, and Fee are attached

**Notice of Appeal**

I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

A joint inventor; all of whom are signing this e-petition

The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Peter E. Rosden/
Name	Peter Rosden
Registration Number	32532

**STATEMENT OF ACCURACY OF TRANSLATION**

I, Masako YONEKURA of c/o Casio Computer Co., Ltd., 2-1, Sakae-cho 3-chome, Hamura-shi, Tokyo, Japan, state that the attached English translation is an accurate translation of the allowed claims of Japanese Patent Application 2008-060632, which is now Japanese Patent 4479811, filed on 11 March 2008 to the best of my knowledge.

This 21st date of October, 2010

A handwritten signature in cursive script, reading "Masako Yonekura", is written above a horizontal line.

Masako YONEKURA

Accurate translation of the patentable claims in the JPO application

Reference No.: 07-0794

Patent Application No.: 2008-060632

Filing Date: March 11, 2008

[Designation of Document] Claims

[Claim 1]

A time correcting apparatus comprising:

a signal reception unit that receives a standard time radio wave;

an input TCO data generating unit that performs sampling of a signal including a time code output from the signal reception unit so as to temporarily store a bit string of a predetermined number of frames in a memory as input TCO data;

an internal time measurement unit that obtains a current time by an inner clock;

an prognostic TCO data generating unit that generates a bit string of prognostic TCO data corresponding to the current time on the basis of the current time obtained by the internal time measurement unit;

an error number calculating unit that compares bits of the input TCO data with bits of the prognostic TCO data so as to calculate out the number of errors corresponding to the number of discrepancies between the bits of the two pieces of TCO data, and repeats comparison of the bits by using new prognostic TCO data generated by shifting the bits of the prognostic TCO data or the input TCO data, or new TCO data,

## Accurate translation of the patentable claims in the JPO application

thereby calculating out each number of errors relating to the respective comparisons;

a validity judging unit that judges whether or not the number of errors calculated out by the error number calculating unit is valid;

an error calculating unit that calculates out an error of the current time obtained by the inner time measurement unit on the basis of the number of shifted bits relating to the calculation of the number of errors judged to be valid; and

a correction unit that corrects the current time of the inner time measurement unit on the basis of the error calculated out by the error calculation unit.

[Claim 2]

The time correcting apparatus according to claim 1, wherein

the error number calculating unit compares bits of one frame of input TCO data with bits of one frame of prognostic TCO data.

[Claim 3]

The time correcting apparatus according to claim 1, wherein

the error number calculating unit compares bits of averaged data obtained by summing and averaging bits corresponding to a plurality of frames of input TCO data with bits of one frame of prognostic TCO data.

## Accurate translation of the patentable claims in the JPO application

[Claim 4]

The time correcting apparatus according to claim 1, wherein

in a case where the error number calculating unit compares bits of one frame of input TCO data with bits of one frame of prognostic TCO data so as to calculate out the number of errors and the validity judging unit judges that the number of errors is not valid, the error number calculating unit compares bits of averaged data obtained by summing and averaging bits corresponding to a plurality of frames of input TCO data with bits of one frame of prognostic TCO data so as to calculate out the number of errors and the validity judging unit judges the validity of the number of errors.

[Claim 5]

The time correcting apparatus according to any one of claims 1 through 4, wherein

the error number calculating unit compares bits of the input TCO data with bits of prognostic TCO data so as to calculate out respective numbers of errors until all of the bits of the prognostic TCO data or the input TCO data have been shifted, and the validity judging unit detects a local minimum value of the number of errors so as to judge the validity of the local minimum value.

[Claim 6]

The time correcting apparatus according to any one of

## Accurate translation of the patentable claims in the JPO application

claims 1 through 3, wherein

in a case where the number of shifted bits in the bits of the prognostic TCO data or the input TCO data exceeds the number of shifted bits corresponding at least to that of one second, the validity judging unit detects a local minimum value of the calculated number of errors and judges the validity of the local minimum value.

[Claim 7]

The time correcting apparatus according to claim 5 or 6, wherein

the judgement of the validity is made based on an average value and a standard deviation of the calculated numbers of errors.

[Claim 8]

A radio controlled timepiece comprising:

the time correcting apparatus according to any one of claims 1 through 6; and

a time display unit that displays an obtained current time.

【書類名】 特許請求の範囲

【請求項 1】

標準時刻電波を受信する受信手段と、

前記受信手段から出力されたタイムコードを含む信号をサンプリングして、所定のフレーム数のビット列を入力TCOデータとして一時的に記憶する入力TCOデータ生成手段と、

内部クロックにより現在時刻を計時する内部計時手段と、

前記内部計時手段により計時された現在時刻に基づいて、当該現在時刻に対応する予測TCOデータのビット列を生成する予測TCOデータ生成手段と、

前記入力TCOデータのビットと、前記予測TCOデータのビットとを比較し、その不一致数に相当するエラー数を算出するとともに、前記予測TCOデータ或いは前記入力TCOデータのビットをシフトすることにより生成された新たな予測TCOデータ或いは新たな入力TCOデータを用いた前記ビットの比較を繰り返して、それぞれの比較に関するエラー数を算出するエラー数算出手段と、

前記エラー数算出手段により算出されたエラー数の有効性を判断する有効性判断手段と

、  
前記有効と判断されたエラー数の算出にかかる前記ビットのシフト数に基づいて、前記内部計時手段による現在時刻の誤差を算出する誤差算出手段と、

前記誤差算出手段により算出された誤差に基づいて、前記内部計時手段の現在時刻を修正する修正手段と、を備えたことを特徴とする時刻修正装置。

【請求項 2】

前記エラー数算出手段が、1フレーム分の入力TCOデータのビットと、1フレーム分の予測TCOデータのビットとを比較することを特徴とする請求項 1 に記載の時刻修正装置。

【請求項 3】

前記エラー数算出手段が、複数フレーム分の入力TCOデータの対応するビットを加算平均することにより得られる加算平均データのビットと、1フレーム分の予測TCOデータのビットとを比較することを特徴とする請求項 1 に記載の時刻修正装置。

【請求項 4】

前記エラー数算出手段が、1フレーム分の入力TCOデータのビットと、1フレーム分の予測TCOデータのビットとを比較してエラー数を算出し、前記有効性判断手段が、前記エラー数が有効でないと判断した場合に、

前記エラー数算出手段が、複数フレーム分の入力TCOデータの対応するビットを加算平均することにより得られる加算平均データのビットと、1フレーム分の予測TCOデータのビットとを比較してエラー数を算出し、前記有効性判断手段が、前記エラー数の有効性を判断することを特徴とする請求項 1 に記載の時刻修正装置。

【請求項 5】

前記エラー数算出手段が、前記予測TCOデータ或いは前記入力TCOデータのビットを全てシフトするまで、前記入力TCOデータのビットと、前記予測TCOデータのビットを比較して、それぞれのエラー数を算出し、かつ、有効性判断手段が、前記エラー数の最小値を見出し、当該最小値の有効性を判断することを特徴とする請求項 1 ないし 4 の何れか一項に記載の時刻修正装置。

【請求項 6】

前記予測TCOデータ或いは前記入力TCOデータのビットのシフト数が、少なくとも1秒に相当するシフト数を超えた場合に、前記有効性判断手段は、前記算出されたエラー数の極小値を見出し、当該極小値の有効性を判断することを特徴とする請求項 1 ないし 3 の何れか一項に記載の時刻修正装置。

【請求項 7】

前記有効性の判断が、算出されたエラー数の平均値および標準偏差に基づくことを特徴とする請求項 5 または 6 に記載の時刻修正装置。

【請求項 8】

請求項 1 ないし 6 の何れか一項に記載の時刻修正装置と、  
計時された現在時刻を表示する時刻表示手段と、を備えたことを特徴とする電波時計。

Application No. 12/400,974  
Request for Participation in the PPH Program  
Between the JPO and the USPTO

Customer No. 01933

Attorney Docket No. 09103/LH

This paper is being submitted  
via EFS-Web on November 29, 2010

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Hideo ABE

Serial No. : 12/400,974

Confirm. No.: 5022

Filed : March 10, 2009

For : TIME CORRECTING APPARATUS  
AND RADIO CONTROLLED TIMEPIECE

Art Unit : 2833

Examiner : Vit W. Miska

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not already paid, authorization to charge the extension fee to Account No. 06-1378. In addition, authorization is hereby given to charge any fees for which payment has not been submitted, or to credit any overpayments, to Account No. 06-1378.

**REQUEST FOR PARTICIPATION IN THE  
PATENT PROSECUTION HIGHWAY (PPH) PROGRAM  
BETWEEN THE JPO AND THE USPTO**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants hereby request participation in the Patent Prosecution Highway (PPH) Program and petition to make the above-identified application special under the PPH Program.

**I. Eligibility of the Present Application for the PPH Program**

Japanese Patent Application No. 2008-060632, filed March 11, 2008, contains allowed claims. The present application claims the benefit of priority of Japanese Patent Application No. 2008-060632. Accordingly, the present application is eligible for participation in the PPH Program.

**II. Required Documents**

- A. Japanese Patent Application No. 2008-060632 was allowed on the first action. Accordingly, no Japanese Office Action is submitted herewith.
- B. A copy of the claims determined to be patentable by the JPO in Japanese Patent Application No. 2008-060632 is submitted herewith.
- C. An English translation of the document identified in B. above, along with a statement that the English translation is accurate, are submitted herewith.
- D. Japanese Patent Application No. 2008-060632 was allowed on the first action. Accordingly, no IDS is being submitted herewith.

**III. Claims Correspondence Table**

Claims in U.S. Application	Corresponding Patentable Claim of JPO Application
9	1
10	2
11	3
12	4
13	5
14	5
15	5
16	5
17	6
18	6
19	6
20	7
21	7
22	7
23	7
24	7
25	7
26	7
27	8

**Explanation Regarding Correspondence**

The claims in the U.S. application corresponding to the patentable Japanese claims as indicated above, with some revisions to clarify unclear portions of the translation of the allowable Japanese claims, as well as revisions to delete

multiple dependencies and to improve grammar and antecedent basis.

In particular, in claim 9 the phrase in the translation, "using new prognostic TCO data generated by shifting the bits of the prognostic TCO data or the input TCO data, or new TCO data," has been changed to "using new TCO data generated by shifting the bits of the prognostic TCO data or the input TCO data," so as to avoid potential confusion caused by unnecessary use of the two terms "new prognostic TCO data" and "new TCO data."

In addition, in claim 9 the recitation of the validity judging unit has been revised to change "the number of errors" to "one of the numbers of errors," to improve antecedent basis and grammar. Dependent claim 12 has been revised to reflect this revision to claim 9.

#### **IV. Claim Correspondence**

All of the claims in the present U.S. application sufficiently correspond to the allowed claims in Japanese Patent Application No. 2008-060632.

\* \* \* \* \*

Application No. 12/400,974  
Request for Participation in the PPH Program  
Between the JPO and the USPTO

Customer No. 01933

In view of the foregoing, applicant request participation in the PPH Program between the JPO and the USPTO and petition to make the above-identified application special under the PPH Program. If the Office has any comments, questions, objections or recommendations, the Office is invited to telephone the undersigned prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz  
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.  
220 Fifth Avenue - 16<sup>th</sup> Floor  
New York, New York 10001-7708  
Tel. No. (212) 319-4900  
Fax No. (212) 319-5101  
DH:iv  
encs.



UNITED STATES PATENT AND TRADEMARK 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.
12/400,974	03/10/2009	Hideo ABE	09103/LH	5022
1933	7590	01/04/2011	EXAMINER	
HOLTZ, HOLTZ, GOODMAN & CHICK PC			MISKA, VIT W	
220 Fifth Avenue			ART UNIT	PAPER NUMBER
16TH Floor			2833	
NEW YORK, NY 10001-7708			MAIL DATE	DELIVERY MODE
			01/04/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**HOLTZ, HOLTZ, GOODMAN & CHICK PC**  
**220 Fifth Avenue**  
**16TH Floor**  
**NEW YORK NY 10001-7708**

**In re Application of**  
**Hideo ABE**  
**Application No.: 12/400,974**  
**Filed: 10 March 2009**  
**Attorney Docket No.: 09103/LH**  
**For: TIME CORRECTING**  
**APPARATUS AND RADIO**  
**CONTROLLED TIMEPIECE**

**: 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 29 November 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 (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example, JPO claim 1 requires “repeats comparison of the bits by using new prognostic TCO data generated by shifting the bits of the prognostic TCO data or the input TCO data, or new TCO data” while US claim 9 requires “repeats comparison of the bits by using new TCO data generated by shifting the bits of the prognostic TCO data or the input TCO data”. These limitations do not sufficiently correspond.

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>.

A handwritten signature in black ink, appearing to read "Lee W. Young". The signature is fluid and cursive, with a prominent loop at the end.

Lee W. Young  
TQAS Technology Center 2800

Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>
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Application Number	12401008
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Filing Date	10-Mar-2009
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First Named Inventor	MEHDI HATAMIAN
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Attorney Docket Number	HATAM-001A
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Title	SECURE CREDIT CARD
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The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:  
 (1) Petition fee;  
 (2) Reply and/or issue fee;  
 (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and  
 (4) Statement that the entire delay was unintentional

Petition Fee

Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

Applicant(s) status remains as SMALL ENTITY.

Applicant(s) status remains as other than SMALL ENTITY.

2. Reply and/or fee

I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on

Amendment and response are attached

RCE request, submission, and fee.

I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on

RCE Request, Submission, and Fee are attached

Notice of Appeal

I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

A joint inventor; all of whom are signing this e-petition

The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Michael M. Ahmadshahi/
Name	Michael M. Ahmadshahi
Registration Number	52876



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date April 10, 2012  
In re Application of MEHDI HATAMIAN  
Application No. 12401008  
Filed: 10-Mar-2009  
Attorney Docket No. HATAM-001A

DECISION ON PETITION  
UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), April 10, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



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**PERKINS COIE LLP  
P.O. BOX 1208  
SEATTLE, WA 98111-1208**

**MAILED**

**MAR 28 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Dan Harkins	:	
Application No. 12/401,073	:	DECISION ON PETITION
Filed: March 10, 2009	:	TO WITHDRAW
Attorney Docket No. 43390-8053.US02	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Brian R. Coleman on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **Trapeze Networks, Inc.**  
**c/o Juniper Networks, Inc.**  
**1194 North Mathilda Avenue**  
**Sunnyvale, CA 94089-1206**



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/401,073	03/10/2009	Dan Harkins	43390-8005.US02

**CONFIRMATION NO. 5197**

**POWER OF ATTORNEY NOTICE**



22918  
PERKINS COIE LLP  
P.O. BOX 1208  
SEATTLE, WA 98111-1208

Date Mailed: 03/17/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/09/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:**20110726

**DATE** : July 26, 2011

**TO SPE OF** : ART UNIT 3687

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7,882,137

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - PK 3-910**

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

**Thank You For Your Assistance**

**Certificates of Correction Branch**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:**

OK to enter the phrase per the 7/19/2011 request.

**SPE:** /F. Ryan Zeender/

**Art Unit 3627**

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 7/26/11

TO SPE OF : ART UNIT: 3687

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/401,101 Patent No. 7,882,137

CofC mailroom date 7/19/11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580**

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:** OK to enter the phrase per the 7/19/2011 request.

/Andrew Joseph Rudy/ 7/26/2011

/F. Zeender/

3627

**SPE**

**Art Unit**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/401,103	03/10/2009	Yasuyuki HIRAO	10517/477	5246
23838	7590	11/25/2010	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			PHAM, LEDA T	
			ART UNIT	PAPER NUMBER
			2834	
			MAIL DATE	DELIVERY MODE
			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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**KENYON & KENYON LLP  
1500 K STREET N.W.  
SUITE 700  
WASHINGTON DC 20005**

**In re Application of  
YASUYUKI HIRAO  
Application No.: 12/401,103  
Filed: 10 March 2009  
Attorney Docket No.: 10517/477  
For: STATOR MOUNTING METHOD**

**: 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 28 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/401,203 03/10/2009 Shinnosuke Soda 339488US2 5416

7590 10/12/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

HORNING, JOEL G

ART UNIT PAPER NUMBER

1712

NOTIFICATION DATE DELIVERY MODE

10/12/2010

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer
Patent Publication Branch
Office of Data Management

Adjustment date: 10/12/2010
20/01/2008: 00000000 10400000
30 700000 10400000



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 13, 2012

In re Application of :

Masato Udaka

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12401247

Filed : 10-Mar-2009

Attorney Docket No : 10873.2286US01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 13, 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 2835 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12401247
Filing Date	10-Mar-2009
First Named Inventor	Masato Udaka
Art Unit	2835
Examiner Name	HUNG DUONG
Attorney Docket Number	10873.2286US01
Title	PRINTED CIRCUIT BOARD AND MOUNTING STRUCTURE FOR SURFACE MOUNTED DEVICE

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
  - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
  - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
  - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

**Petition Fee**

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
  - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Douglas P. Mueller/
Name	Douglas P. Mueller
Registration Number	30300



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FOX ROTHSCHILD LLP  
PRINCETON PIKE CORPORATE CENTER  
997 LENOX DRIVE  
BLDG. #3  
LAWRENCEVILLE, NJ 08648

**MAILED**  
**JAN 09 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Ching-Lin Tseng, et al. :  
Application No. 12/401,266 : DECISION GRANTING PETITION  
Filed: March 10, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 75613.00022 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 5, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on December 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2885 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> 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.
12/401,321	03/10/2009	Joseph DiMambro	SD10649S112542	5621
20567	7590	12/02/2011	EXAMINER	
SANDIA CORPORATION			SAINT SURIN, JACQUES M	
P O BOX 5800			ART UNIT	PAPER NUMBER
MS-0161			2856	
ALBUQUERQUE, NM 87185-0161			MAIL DATE	DELIVERY MODE
			12/02/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**  
The time period for reply, if any, is set in the attached communication.



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DEC 2 2011

*In re* Application of DIMAMBRO ET AL. :  
Appl. No.: 12/401,321 : **DECISION ON PETITION**  
Filed: March 10, 2009 : *37 CFR 1.48(a)*  
For: ULTRASONIC PROBE DEPLOYMENT DEVICE :  
FOR INCREASE ULTRASONIC WAVE :  
TRANSMISSION AND AREA SCAN :  
INSPECTIONS :

This decision is in response to the petition filed November 15, 2011 in the above-identified application. The petition seeks to correction inventorship pursuant to 37 CFR 1.48(a).

In view of the papers filed November 15, 2011, it has been found that the patent application, as originally filed, through error and without deceptive intent, improperly set forth the inventorship.

The petition having met all of the requirements of 37 CFR 1.48(a) is granted.

The inventorship in the application has been changed by adding **David G. Moore** as joint inventor.

SUMMARY: THE PETITION IS GRANTED.

Hezron E. Williams,  
Supervisory Patent Examiner,  
Patent Examining Technology Center 2800

SANDIA CORPORATION  
P O BOX 5800  
MS-0161  
ALBUQUERQUE, NM 87185-0161

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**DATE** : 08-24-11

**TO SPE OF** : ART UNIT 1776

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12/401325 Patent No.: 7972421

CofC mailroom date: 07-28-11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

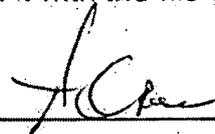
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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:** \_\_\_\_\_

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:** \_\_\_\_\_

ok to enter

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SPE** /Duane Smith/

SPE AU1776

**Art Unit** 1776



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WESTERMAN HATTORI DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON, DC 20036

**MAILED**  
**JUL 11 2011**  
**OFFICE OF PETITIONS**  
**ON PETITION**

In re Application of :  
Noriyuki Juni :  
Application No. 12/401,414 :  
Filed: March 10, 2009 :  
Attorney Docket No. 081501 :

This is a decision on the petition, filed July 8, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on June 8, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2874 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

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/401,513	03/10/2009	Marna Williams	381828-115C1 (101900)	5950
37509	7590	12/15/2011	EXAMINER	
DECHERT LLP			KIM, YUNSOO	
P.O. BOX 390460			ART UNIT	PAPER NUMBER
MOUNTAIN VIEW, CA 94039-0460			1644	
			NOTIFICATION DATE	DELIVERY MODE
			12/15/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@dechert.com



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U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/401,513	10 March, 2009	WILLIAMS ET AL.	381828-115C1 (101900)

DECHERT LLP P.O. BOX 390460 MOUNTAIN VIEW, CA 94039-0460	<b>EXAMINER</b>	
	YUNSOO KIM	
	<b>ART UNIT</b>	<b>PAPER</b>
	1644	20111208

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

This communication serves to inform applicant that the request under rule 37 CFR 1.48(a) filed on 5/13/11 has been received and has been considered.

In view of the papers filed on 5/13/11, it has been found that this non-provisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by Marna Williams, J. Yun Tso, Nicholas F. Landolfi, Gao Liu, as requested.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt and correction of office records to reflect the inventorship as corrected

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yunsoo Kim whose telephone number is 571-272-3176. The examiner can normally be reached on M-F, 9-5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. 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).

/Yunsoo Kim/  
Primary Examiner, Art Unit 1644

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Prosec Hwy

PTO/BB20PCT-KR (06-10)

Approved for use through 01/01/2012. 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.	12/401,528	Filing date:	March 10, 2009
First Named Inventor:	Wells, Geoffrey Dylan		

Title of the invention: FERTILIZER SUSPENSION AND METHOD OF PREPARATION

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/EFSWEB\\_HELP.HTML](http://www.uspto.gov/efsweb_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/US2009/038792

The international date of the corresponding PCT application(s) is/are: 11 March 2009 (11.03.2009)

### I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/PEA, 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.



.....

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application no. : 12/401,528 Confirmation No. 5975  
Applicants : Geoffrey Dylan Wells  
Filed : March 10, 2009  
Title : FERTILIZER SUSPENSION AND METHOD OF PREPARATION  
Art Unit : 1793  
Examiner : Langel, Wayne A.  
Docket no. : LBE0802  
Customer no. : 24507

Date: August 12, 2010

Mail Stop AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**SUPPLEMENTAL SUBMISSION OF PCT CLAIMS SUPPORTING A REQUEST FOR  
THE PATENT PROSECUTION HIGHWAY**

Dear Sir:

A REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY  
(PPH) PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE  
(KIPO) AND THE USPTO is being filed with this transmission on August 12, 2010.

Application no. 12/832,849  
Dated August 6, 2010

Please include with the Request of August 12, 2010, the following copy of the PCT claims from the corresponding international application, PCT/US2009/036792.

Respectfully submitted,  
MICHAEL BLAINE BROOKS, P.C.

/michael blaine brooks/

---

Dr. Michael B. Brooks, Esq., Registration Number 39,921  
Telephone No. (805) 579-2500; FAX (805) 584-6427  
Michael Blaine Brooks, P.C., P.O. Box 1630, Simi Valley, CA 93062-1630

**CLAIMS:** What is claimed is:

1. A concentrated, homogenous, stable, water-soluble fertilizer suspension comprising:

- 5           an amount of water comprising less than about 20 percent by weight (wt. %) of the suspension;
- an amount of calcium nitrate comprising between about 1 wt. % and 40 wt. % of the suspension;
- an amount of magnesium nitrate comprising between about 1 wt. % and 30 wt. % of the suspension;
- 10          an amount of potassium phosphate and/ or ammonia phosphate comprising between about 1 wt. % and 35 wt. % of the suspension;
- an amount of potassium nitrate comprising between about 1 wt. % and 45 wt. % of the suspension; and
- an amount of organic stabilizing additive comprising between about 0.1 wt. % and 20 wt. % of the suspension; and
- 15          wherein the concentrated, homogenous, stable, water-soluble fertilizer suspension is a pourable, aqueous suspension.

2. The suspension of claim 1 wherein
- 20          the amount of calcium nitrate comprises between about 1 wt. % and 30 wt. % of the suspension;
- the amount of magnesium nitrate comprises between about 1 wt. % and 25 wt. % of the suspension;
- the amount of potassium phosphate and/ or ammonia phosphate comprises
- 25          between about 1 wt. % and 30 wt. % of the suspension;
- the amount of potassium nitrate comprises between about 1 wt. % and 30 wt. % of the suspension; and
- the amount of organic stabilizing additive comprises between about 0.1 wt. % and 10 wt. % of the suspension.

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3. The suspension of claim 1 wherein the organic stabilizing additive is comprised of at least one of the following ingredients: fulvic acid; digested plant material; digested lignin; soluble seaweed; cane sugar; malt; beet vinasse; molasses; water-soluble hydrocolloid polysaccharides; compost tea extracts; vermicompost; cellulose; 5 chitosan; and mixtures thereof.
4. A concentrated, homogenous, stable, water-soluble fertilizer suspension comprising:  
water-soluble mineral nutrients of at least nitrogen, phosphorous, potassium,  
10 calcium, and magnesium; and  
an organic stabilizing additive; and  
wherein the concentrated, homogenous, stable, water-soluble fertilizer  
suspension is a pourable, aqueous suspension having an amount of water-  
soluble mineral nutrients comprising at least about 80 percent by weight  
15 (wt. %) of the suspension.
5. The suspension of claim 4 wherein the nitrogen is in the form of a nitrate ion, the phosphorous is in the form of a phosphorous ion, the potassium is in the form of a potassium ion, the calcium is in the form of a calcium ion, and the magnesium is in  
20 the form of a magnesium ion.
6. The suspension of claim 4 wherein the organic stabilizing additive is a suspension gasification inhibitor.
- 25 7. The suspension of claim 4 wherein the organic stabilizing additive is a hermetically sealed suspension gasification inhibitor.
8. The suspension of claim 4 wherein the magnesium comprises ionic magnesium and an amount of the ionic magnesium comprises at least 0.1 wt. % of the suspension.  
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9. The suspension of claim 4 further comprising iron, manganese, zinc, copper, potassium, molybdenate, and cobalt.

10. The suspension of claim 4 further comprising a water-soluble nutrient of sulphur

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11. The suspension of claim 4 further comprising ammonium ions.

12. The suspension of claim 4 further comprising urea.

10 13. The suspension of claim 4 wherein the organic stabilizing additive is comprised of at least one of the following: fulvic acid, digested plant material; digested lignin; soluble seaweed; cane sugar; malt; beet vanaase; molasses; water-soluble hydrocolloid polysaccharides; compost tea extracts; vermicompost; cellulose; and chitosan.

15 14. The suspension of claim 4 wherein the organic stabilizing additive comprises between 0.1 wt. % and about 20 wt. % of the suspension.

15. The suspension of claim 4 wherein the water-soluble mineral nutrients comprise between about 80 wt. % and about 95 wt. % of the suspension.

20

16. The suspension of claim 4 wherein the water-soluble mineral nutrients comprise at least about 90 wt. % of the suspension

25 17. The suspension of claim 4 wherein: the amount of nitrogen comprises between 1 wt. % and 25 wt. % of the suspension; the amount of phosphorus comprises between 1 wt. % and 25 wt. % of the suspension; the amount of potassium comprises between 1 wt. % and 25 wt. % of the suspension; the amount of calcium comprises between 0.1 wt. % and 10 wt. % of the suspension; and the magnesium comprises ionic magnesium and an amount of the ionic magnesium; comprises at least 0.1 wt. % of the  
30 suspension.

18. The suspension of claim 4 wherein: the amount of nitrogen comprises between 1 wt. % and 20 wt. % of the suspension; the amount of phosphorus comprises between 1 wt. % and 20 wt. % of the suspension; the amount of potassium comprises between 1 wt. % and 20 wt. % of the suspension; the amount of calcium comprises between 0.1 wt. % and 7.5 wt. % of the suspension; and the magnesium comprises ionic magnesium and an amount of the ionic magnesium comprises at least 0.1 wt. % of the suspension.
19. The suspension of claim 4 wherein the suspension inhibits crystal growth.
20. The suspension of claim 4 further comprising one or more surfactants.
21. The suspension of claim 4 further comprising one or more humectants.
22. The suspension of claim 4 further comprising one or more water-soluble polymers.
23. A method of making a concentrated, homogenous, stable, water-soluble fertilizer suspension comprising:
- blending an amount of water and an amount of calcium nitrate;
  - blending an amount of magnesium nitrate comprising at least 0.5 percent by weight (wt. %) of a final suspension;
  - blending an amount of potassium phosphate and/ or an amount of ammonia phosphate
  - blending an amount potassium nitrate; and
  - blending an amount of an organic stabilizing additive; and
- wherein the concentrated, homogenous, stable, water-soluble fertilizer suspension is a pourable, aqueous suspension having an amount of water comprising less than about 20 percent by weight (wt. %) of the final suspension.

24. The method of making the suspension of claim 23 wherein:  
the amount of calcium nitrate comprising between about 1 wt. % and 40 wt.  
% of a final suspension is blended with the water;  
the amount of magnesium nitrate comprising between about 1 wt. % and 30  
5 wt. % of the final suspension;  
the amount of potassium phosphate and/ or ammonia phosphate comprising  
between about 1 wt. % and 35 wt. % of the final suspension;  
the amount of potassium nitrate comprising between about 1 wt. % and 45 wt.  
% of the final suspension; and  
10 the amount of organic stabilizing additive comprising between about 0.1 wt.  
% and 20 wt. % of the final suspension.
25. The method of making the suspension of claim 23 wherein:  
the amount of calcium nitrate comprising between about 1 wt. % and 30 wt.  
15 % of a final suspension is blended with the water;  
the amount of magnesium nitrate comprising between about 1 wt. % and 25  
wt. % of the final suspension;  
the amount of potassium phosphate and/ or ammonia phosphate comprising  
between about 1 wt. % and 30 wt. % of the final suspension;  
20 the amount of potassium nitrate comprising between about 1 wt. % and 30 wt.  
% of the final suspension; and  
the amount of organic stabilizing additive comprising between about 0.1 wt.  
% and 10 wt. % of the final suspension.
- 25 26. The method of making the suspension of claim 23 wherein the organic stabilizing  
additive is comprised of at least one of the following: fulvic acid; digested plant  
material; digested lignin; soluble seaweed; cane sugar; malt; beet vinasse; molasses;  
water-soluble hydrocolloid polysaccharides; compost tea extracts; vermicompost;  
cellulose, chitosan; and mixtures thereof.

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Attorney Docket No.: LBEPCT082

27. A method for forming a working plant nutrient solution comprising the step of diluting the aqueous fertilizer suspension of claim 1 in water wherein the pH of the working plant nutrient is in the range between about 5.0 and about 7.0 pH.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/401,528	03/10/2009	Geoffrey Dylan Wells	LBE0802	5975
24507	7590	10/07/2010	EXAMINER	
MICHAEL BLAINE BROOKS, P.C. P.O. BOX 1630 SIMI VALLEY, CA 93062-1630			LANGEL, WAYNE A	
			ART UNIT	PAPER NUMBER
			1736	
			MAIL DATE	DELIVERY MODE
			10/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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OCT 7 2010

CT

In re application of	:	DECISION ON REQUEST TO
Geoffrey Dylan Wells	:	PARTICIPATE IN PATENT
Serial No. 12/401,528	:	PROSECUTION HIGHWAY
Filed: March 10, 2009	:	PROGRAM AND
For: FERTILIZER SUSPENSION AND	:	PETITION TO MAKE SPECIAL
METHOD OF PREPARATION	:	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 August 12, 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. 12/401,528

applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700

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United States Patent and Trademark Office  
P.O. Box 1450  
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**COURTNEY STANIFORD & GREGORY LLP**  
**PO BOX 9807**  
**SAN JOSE CA 95157**

**MAILED**

**JAN 31 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Lima et al. :  
Application No. 12/401,606 :  
Filed: March 10, 2009 :  
Attorney Docket No. GBVR.P006 :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 11, 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 Barbara B. Courtney on behalf of all attorneys of record associated with Customer Numbers 53186 and 98293. The request cannot be approved since all practitioners of record were not appointed by Customer Numbers 53186 and 98293. Accordingly, since the practitioners were appointed by a single Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Further, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions

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United States Patent and Trademark Office  
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COURTNEY STANIFORD & GREGORY LLP  
PO BOX 9807  
SAN JOSE CA 95157

**MAILED**  
**DEC 20 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Lima et al.  
Application No. 12/401,606  
Filed: March 10, 2009  
Attorney Docket No. GBVR.P006

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 December 14, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

According to a review of current USPTO records petitioner has not recognized the current recorded assignee concerning the above-identified application or the first listed inventor. Global VR Inc. is not the current assignee of the above- identified application. Further, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application for the current assignee, the Office cannot change the correspondence address to the address on the Request to Withdraw. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed August 10, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/401,661	03/11/2009	David W. Handley	1038.030	6260

23598 7590 05/19/2011  
BOYLE FREDRICKSON S.C.  
840 North Plankinton Avenue  
MILWAUKEE, WI 53203

EXAMINER

NGUYEN, SON T

ART UNIT	PAPER NUMBER
3643	

NOTIFICATION DATE	DELIVERY MODE
05/19/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com



modified by Toshima and further in view of Iwatschenko (U.S. Patent 4,753,639), claim 34 was rejected under 35 U.S.C. 103(a) over Repko as modified by Toshima and Iwatschenko and further view of Shroyer (U.S. Patent 5,853,247).

On March 11, 2011 applicant submitted the instant petition to withdraw the finality of the Office action mailed on January 28, 2011 based upon the examiner's new grounds for rejection of originally filed and unamended claim 40.

In light of the remarks presented in the instant petition, it is agreed that the basis for holding of the Office action mailed on January 28, 2011 final was unwarranted. Therefore the finality of the Office action mailed on January 28, 2011 is hereby withdrawn. The status of the Office action mailed of January 28, 2011 is now a non-final Office action, however, since the basis of the rejection has not changed, the time period for response to the Office action of January 28, 2011 continues to run from the mailing date for that Office action.



Katherine A. Matecki, Director  
Patent Technology Center 3600  
(571) 272-5250

pmp: 4/28/11

LM



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/401,704	03/11/2009	Masumi SAITOH	339594US2RD	6338

22850 7590 03/02/2011  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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RODELA, EDUARDO A

ART UNIT	PAPER NUMBER
2893	

NOTIFICATION DATE	DELIVERY MODE
03/02/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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**OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.**  
**1940 DUKE STREET**  
**ALEXANDRIA VA 22314**

**In re Application of** : **DECISION ON REQUEST TO**  
**SAITOH et al.** : **PARTICIPATE IN THE PATENT**  
**Application No.: 12/401,704** : **PROSECUTION HIGHWAY**  
**Filed: 11 March 2009** : **PROGRAM AND PETITION**  
**Attorney Docket No.: 339594US2RD** : **TO MAKE SPECIAL UNDER**  
**For: SEMICONDUCTOR DEVICE AND** : **37 CFR 1.102(a)**  
**MANUFACTURING METHOD OF**  
**SAME**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 07 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

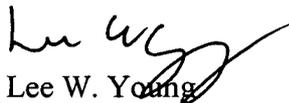
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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Paper No.

ELI LILLY & COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS IN 46206-6288

**MAILED**  
**MAY 10 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Balderes et al. : DECISION  
Application No. 12/401,800 : ON APPLICATION FOR  
Filed: March 11, 2009 : PATENT TERM ADJUSTMENT  
Atty Docket No. X18551 :  
Title: ANTI-TYRP1 ANTIBODIES :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)," filed April 12, 2011. Applicant submits that the correct patent term adjustment to be indicated on the patent is two hundred and three (203) days, not two hundred and eleven (211) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that Applicant submitted an amendment after the mailing of the notice of allowance, and therefore a reduction pursuant to 37 C.F.R. § 1.704(c)(10) is warranted.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to accord a reduction to the patent term pursuant to 37 C.F.R. § 1.704(c)(10), the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under

§ 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.704(c)(10) calculation at the time of the mailing of the notice of allowance, Applicant is advised that she may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). The Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.704(c)(10) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.<sup>1</sup>

The \$200.00 fee set forth in 37 CFR 1.18(e) will be charged to Deposit Account No. 05-0840 in due course, as authorized on the first page of this petition. No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

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<sup>1</sup> For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>2</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>2</sup> 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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Paper No.

ELI LILLY & COMPANY  
PATENT DIVISION  
P.O. BOX 6288  
INDIANAPOLIS IN 46206-6288

**MAILED**  
**JUL 08 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 7,951,370 : DECISION ON REQUEST FOR  
Balderes : RECONSIDERATION OF  
Issue Date: May 31, 2011 : PATENT TERM ADJUSTMENT  
Application No. 12/401,800 : and  
Filed: March 11, 2009 : NOTICE OF INTENT TO ISSUE  
Atty Docket No.: X18551 : CERTIFICATE OF CORRECTION  
ANTI-TYRP1 ANTIBODIES :

This is a decision on the petition filed on June 28, 2011 pursuant to 37 C.F.R. § 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 two hundred and three (203) 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 two hundred and three (203) days is **GRANTED**.

Receipt of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fees are required.

The Office agrees that the submission of the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)" on April 12, 2011 does not warrant a 50-day reduction pursuant to 37 C.F.R. § 1.704(c)(10).

The patent is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred and three (203) days**.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.

/Paul Shanowski/  
Paul Shanowski  
Senior Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,951,370 B2

DATED : **May 31, 2011**

**DRAFT**

INVENTOR(S) : **Balderes 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 153 days

Delete the phrase "by 153 days" and insert – by 203 days --



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**OFFICE OF PETITIONS**

**WHITHAM, CURTIS & CHRISTOFFERSON  
& COOK, P.C.  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON VA 20190**

In re Patent No. 7,583,065 :  
Issue Date: September 1, 2009 :  
Application No. 12/401,815 : **NOTICE**  
Filed: March 11, 2009 :  
Attorney Docket No. 01640552BA :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 15, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions

WADA et al.  
Appl. No. 12/401,881  
May 2, 2011

Ok. to enter. HF

**IN THE INVENTORSHIP:**

Kindly amend the inventorship as follows:

~~Hidemune WADA, Takashi AOKI, Shinsuke HISATSUGU, and Fumio NAKAMURA,~~  
~~Hidekazu OOHASHI and Kazuya ENAMI~~



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BRADLEY ARANT BOULT CUMMINGS LLP  
200 CLINTON AVE. WEST  
SUITE 900  
HUNTSVILLE AL 35801

**MAILED**

SEP 15 2011

OFFICE OF PETITIONS

In re Application of :  
Roy Daniel Cunningham :  
Application No. 12/401,882 :  
Filed: March 11, 2009 :  
Attorney Docket No. **S9669-101846** :

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 9, 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) 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 a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3643 for action on the merits commensurate with this decision.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12401889
Filing Date	11-Mar-2009
First Named Inventor	Tetsuya Nitta
Art Unit	2814
Examiner Name	THERESA DOAN
Attorney Docket Number	067161-0537
Title	SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD THEREOF

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	/Bernard P. Codd/
Name	Bernard P. Codd
Registration Number	46429



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 20,2011

In re Application of :

Tetsuya Nitta

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12401889

Filed : 11-Mar-2009

Attorney Docket No : 067161-0537

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 20,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2814 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

<b>Doc Code: PET.AUTO</b>		PTO/SB/83
<b>Document Description: Petition automatically granted by EFS-Web</b>		U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12401940	
Filing Date	11-Mar-2009	
First Named Inventor	Scott Swierski	
Art Unit	3673	
Examiner Name	MICHAEL TRETTEL	
Attorney Docket Number	09620001US	
Title	REMOVABLE BED, MATTRESS, AND SEAT WRAPS WITH INTEGRATED STORAGE COMPARTMENTS	
<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:		48642
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	Scott Swierski	
Address	9101 Clerkenwell Drive	
City	Waxhaw	
State	NC	
Postal Code	28173	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Philip D Lane/
Name	Philip D Lane
Registration Number	41140



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : June 21,2011

In re Application of :

Scott Swierski

Application No : 12401940

Filed : 11-Mar-2009

Attorney Docket No : 09620001US

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 21,2011

The request is **APPROVED**.

The request was signed by Philip D Lane (registration no. 41140 ) on behalf of all attorneys/agents associated with Customer Number 48642 . All attorneys/agents associated with Customer Number 48642 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 Scott Swierski  
Name2  
Address 1 9101 Clerkenwell Drive  
Address 2  
City Waxhaw  
State NC  
Postal Code 28173  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747**

**MAILED**

**SEP 01 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Ishiyama, Takeo	:	DECISION ON PETITION
Application No. 12/401,958	:	TO WITHDRAW
Filed: March 11, 2009	:	FROM RECORD
Attorney Docket No. 0020-5505PUS2	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 3, 2010.

The request is **NOT APPROVED**.

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. Accordingly, as the Request to Withdraw specified a law firm as the new correspondence address of record, the request cannot be granted at this time.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action, mailed April 5, 2010, which requires a reply. Failure to timely and properly do so will result in abandonment of the instant application.

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

UNITED STATES 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.
12/402,029	03/11/2009	Craig E. KLEINSCHMIDT	1493-012	6940
32905	7590	09/07/2010	EXAMINER	
JONDLE & ASSOCIATES P.C. 858 HAPPY CANYON ROAD SUITE 230 CASTLE ROCK, CO 80108			BUI, PHUONG T	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			09/07/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SEP 07 2010

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:  
Craig E. Kleinschmidt  
Serial No.: 12/402,029  
Filed: March 11, 2008  
Attorney Docket No.: 1493-012

:  
:  
: PETITION DECISION  
:  
:

This is in response to the petition under 37 CFR § 1.59(b), filed August 24, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105 submitted to the Patent Office on November 12, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

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

JONDLE & ASSOCIATES, P.C.  
858 HAPPY CANYON ROAD, SUITE 230  
CASTLE ROCK CO 80108

**MAILED**

**JUN 10 2011**

**OFFICE OF PETITIONS**

In re Patent No. 7,834,256 :  
Issue Date: November 16, 2010 :  
Application No. 12/402,029 : **DECISION ON PETITION**  
Filed: March 11, 2009 :  
Attorney Docket No. 1493-012 :

This is a decision on the Request Under 37 C.F.R. 3.81(b) To Correct Assignment Data and Request For Issuance Of Certificate Of Correction, filed February 7, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignees' names. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignees' names on the previously submitted PTOL 85B. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignees' names identified thereon from:

“Limagrain Europe, Verneuil l’etang (FR)”  
to:  
--Limagrain Europe, Verneuil l’etang (FR);  
KWS Kleinwanzlebener Saatzucgt AG, Einbeck (DE) --

37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

U.S. Patent No. 7,834,256  
Application No. 12/402,029  
Decision on Petition under 37 CFR §3.81(b)

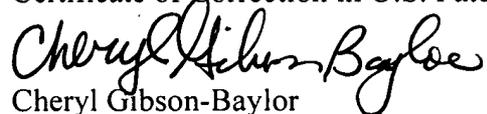
Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR §1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,834,256.

  
Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/402,031	03/11/2009	Shigeru Hiura	339660US2	6943

7590 05/05/2011  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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RODELA, EDUARDO A

ART UNIT	PAPER NUMBER
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2893

NOTIFICATION DATE	DELIVERY MODE
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05/05/2011

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.

*Nomi Sarnes*  
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:	12/402,078	Filing date:	March 11, 2009
First Named Inventor:	Michael J. McCall		
Title of the Invention:	Production of Aviation Fuel from Renewable Feedstocks		
<b>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 <a href="http://www.uspto.gov/efsc/efs_help.html">HTTP://WWW.USPTO.GOV/EFS/EFS_HELP.HTML</a></b>			
<b>APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.</b>			
<p>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.</p>			
<p><b>The corresponding PCT application number(s) is/are:</b> PCT/US2009/037066</p>			
<p><b>The international date of the corresponding PCT application(s) is/are:</b> 03/13/2009</p>			
<p><b>I. List of Required Documents:</b></p>			
<p>a. <b>A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</b></p>			
<p><input checked="" type="checkbox"/> Is attached.</p>			
<p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p>			
<p>b. <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).</b></p>			
<p><input checked="" type="checkbox"/> Is attached.</p>			
<p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p>			
<p>c. <b>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.</b></p>			

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.: 12/402,078

First Named Inventor: Michael J. McCall

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

Is attached

Has already been filed in the above-identified U.S. application on \_\_\_\_\_

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

Are attached.

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	same scope
2	2	same scope
3	1	same scope
4	3	depends from claim 1
5	4	same scope
6	1	depends from claim 1
7	1	depends from claim 1
8	1	depends from claim 1
9	6	same scope
10	5	same scope
11	6	same scope
12	7	same scope
13	8	same scope
14	9	same scope
15	1	ultimately depends from claim 1
16	10	same scope
17	10	depends from claim 10
18	1	depends from claim 1
19-20	-----	Canceled by preliminary amendment

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Maryann Maas/	Date October 1, 2010
Name (Print/Typed) Maryann Maas	Registration Number 38,954

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

UOP LLC

25 EAST ALGONQUIN ROAD P. O. BOX 5017 DES  
PLAINES IL 60017-5017 USA

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **07 JANUARY 2010 (07.01.2010)**

Applicant's or agent's file reference  
H0018725-01

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/US2009/037066**

International filing date (day/month/year)

**13 MARCH 2009 (13.03.2009)**

Priority date(day/month/year)

17 MARCH 2008 (17.03.2008)

International Patent Classification (IPC) or both national classification and IPC

*C10G 67/02(2006.01)i, C10G 45/04(2006.01)i, C07C 2/08(2006.01)i*

Applicant

**UOP LLC et al**

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
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

06 JANUARY 2010 (06.01.2010)

Authorized officer

KIM Young Min

Telephone No.82-42-481-5575



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/037066

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

- the international application in the language in which it was filed
- a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2.  This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, 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/US2009/037066**

**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	1-10	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-10	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2005-0268530 A1 (BREWER, M., et al.) 08 December 2005  
D2: US 2006-0229222 A1 (MULLER, D., et al) 12 October 2006  
D3: US 6080211 A1 (Igen, Inc) 27 June 2000

1. Novelty and Inventive Step

1.1 Claims 1-10

The subject matter of claim 1 differs from these prior art documents in that a process for producing a hydrocarbon product stream from a renewable feedstock includes hydrogenating, deoxygenating, isomerizing and hydrocracking the renewable feedstock, separating the water, carbon oxides, light hydrocarbon gasses and hydrogen, and separating the stream comprising the paraffinic hydrocarbons to generate the hydrocarbon product. D1 discloses a process for producing a fatty acid composition wherein the process comprises the steps of selecting a crude oil having a fatty acid concentration and distilling said crude oil. The fatty acid composition in D1 is used as a fuel additive in the aviation oil. D2 discloses a composition including fatty acid alkyl ester derived from rapeseed oil, soy oil, canola oil, palm oil, palm nut oil and sunflower oil for an aviation oil. D3 discloses Jet aviation fuels comprising a liquid fuel and lipid vesicles comprising a fatty acid formed from at least one wall former material, said lipid vesicles further comprising at least one cavity containing a fuel additive. Accordingly, D1-D3 do not disclose hydrogenating, deoxygenating, isomerizing and hydrocracking the renewable feedstock, and separating the paraffinic hydrocarbon streams. 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.

Claims 2-10 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-10 are industrially applicable under PCT Article 33(4).

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
17 December 2009 (17.12.2009)

(10) International Publication Number  
**WO 2009/151690 A2**

- (51) International Patent Classification:  
C10G 67/02 (2006.01) C07C 2/08 (2006.01)  
C10G 45/04 (2006.01)
- (21) International Application Number:  
PCT/US2009/037066
- (22) International Filing Date:  
13 March 2009 (13.03.2009)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:  
61/037,066 17 March 2008 (17.03.2008) US
- (71) Applicant (for all designated States except US): UOP LLC [US/US]; 25 East Algonquin Road, P. O. Box 5017, Des Plaines, Illinois 60017-5017 (US).
- (72) Inventors; and
- (75) Inventors/Applicants (for US only): MCCALL, Michael J. [US/US]; Uop Llc, 25 East Algonquin Road, P. O. Box 5017, Des Plaines, Illinois 60017-5017 (US). KOCAL, Joseph A. [US/US]; Uop Llc, 25 East Algonquin Road, P. O. Box 5017, Des Plaines, Illinois 60017-5017 (US). BHATTACHARYYA, Alakananda [US/US]; Uop Llc, 25 East Algonquin Road, P. O. Box 5017, Des Plaines,

Illinois 60017-5017 (US). KALNES, Tom N. [US/US]; Uop Llc, 25 East Algonquin Road, P. O. Box 5017, Des Plaines, Illinois 60017-5017 (US). BRANDVOLD, Timothy A. [US/US]; Uop Llc, 25 East Algonquin Road, P. O. Box 5017, Des Plaines, Illinois 60017-5017 (US).

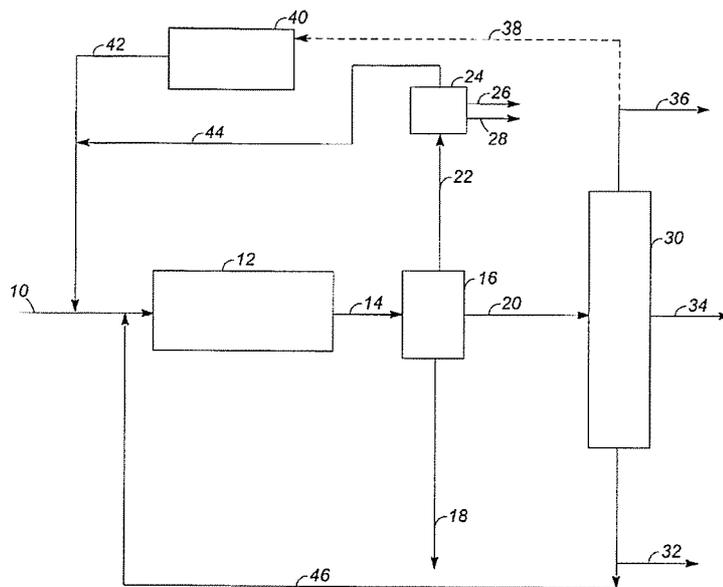
(74) Common Representative: UOP LLC; 25 East Algonquin Road, P. O. Box 5017, Des Plaines, Illinois 60017-5017 (US).

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[Continued on next page]

(54) Title: PRODUCTION OF AVIATION FUEL FROM RENEWABLE FEEDSTOCKS



(57) Abstract: A hydrocarbon product stream having hydrocarbons with boiling points in the aviation fuel range is produced from renewable feedstocks such as plant and animal oils. The process involves treating a renewable feedstock by hydrogenating, deoxygenating, isomerization, and selectively hydrocracking the feedstock to produce paraffinic hydrocarbons having from 9 to 16 carbon atoms and a high iso/normal ratio in a single reaction zone containing a multifunctional catalyst, or set of catalysts, having hydrogenation, deoxygenation, isomerization and selective hydrocracking functions.

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## PRODUCTION OF AVIATION FUEL FROM RENEWABLE FEEDSTOCKS

STATEMENT REGARDING FEDERALLY SPONSORED  
RESEARCH OR DEVELOPMENT

[0001] This invention was made under the support of the United States Government,  
5 United States Army Research Office, with financial support from DARPA, Agreement  
Number W911NF-07-C-0049. The United States Government has certain rights in the  
invention.

## BACKGROUND OF THE INVENTION

[0002] This invention relates to a process for producing hydrocarbons useful as fuel, such  
10 as aviation fuel, from renewable feedstocks such as the glycerides and free fatty acids found  
in materials such as plant oils, fish oils, animal fats, and greases. The process involves  
hydrogenation, decarboxylation, decarbonylation, and/or hydrodeoxygenation,  
hydroisomerization, and selective hydrocracking occurring in a single reaction stage. The  
single reaction stage may include multiple reactor beds or multiple reaction vessels. The  
15 selective hydrocracking reaction optimally provides one hydrocracking event per molecule.  
An integrated reforming step or a steam reforming step may be optionally employed to  
generate at least a portion of the hydrogen that is chemically consumed in reaction stage.

[0003] As the demand for fuels such as aviation fuel increases worldwide there is  
increasing interest in sources other than petroleum crude oil for producing the fuel. One such  
20 source is what has been termed renewable feedstocks. These renewable feedstocks include,  
but are not limited to, plant oils such as corn, jatropha, camelina, rapeseed, canola, soybean  
and algal oils, animal fats such as tallow, fish oils and various waste streams such as yellow  
and brown greases and sewage sludge. The common feature of these feedstocks is that they  
are composed of mono- di- and tri-glycerides, free fatty acids (FAA). Another class of  
25 compounds appropriate for these processes fatty acid alkyl esters (FAAE), such as fatty acid  
methyl ester (FAME) or fatty acid ethyl ester (FAEE). These types of compounds contain  
aliphatic carbon chains generally having from 8 to 24 carbon atoms. The aliphatic carbon  
chains in the glycerides, FFAs, or FAAEs can be saturated or mono-, di- or poly-unsaturated.  
Most of the glycerides in the renewable feed stocks will be triglycerides, but some of the

glycerides in the renewable feedstock may be monoglycerides or diglycerides. The monoglycerides and diglycerides can be processed along with the triglycerides.

[0004] There are reports disclosing the production of hydrocarbons from oils. For example, US 4,300,009 discloses the use of crystalline aluminosilicate zeolites to convert  
5 plant oils such as corn oil to hydrocarbons such as gasoline and chemicals such as para-xylene. US 4,992,605 discloses the production of hydrocarbon products in the diesel boiling range by hydroprocessing vegetable oils such as canola or sunflower oil. Finally, US 2004/0230085 A1 discloses a process for treating a hydrocarbon component of biological origin by hydrodeoxygenation followed by isomerization.

10 [0005] A process which comprises a single reaction zone to hydrogenate, deoxygenate, isomerize and selectively hydrocrack a renewable feedstock, in order to generate a hydrocarbon product having paraffins with boiling points in the aviation fuel range is provided herein. The hydrocarbon product is useful as an aviation fuel or an aviation fuel  
15 blending component. Simply deoxygenating the renewable feedstock in a hydrogen environment in the presence of a hydrotreating catalyst results in straight chain paraffins having chain-lengths similar to, or slightly shorter than, the fatty acid composition of the feedstock. With many feedstocks, this approach may result in a product having an appropriate carbon chain length for a diesel fuel, but not meeting the specifications for an aviation fuel. The selective hydrocracking reaction reduces the carbon chain length to maximize the  
20 selectivity to aviation fuel range paraffins while minimizing lower molecular weight products. Isomerization allows for aviation fuel specifications, such as freeze point, to be met. Successfully conducting the required reactions in a single reaction zone can result in a lower capital and operating cost structure. An optional reforming step or steam reforming step may be included to generate the hydrogen needed in the hydrogenation, deoxygenation, and the  
25 hydrocracking reactions. In one embodiment, a portion of the effluent of the reaction zone is recycled to the reaction zone. The volume ratio of recycle hydrocarbon to feedstock ranges from 0.1:1 to 8:1 and provides a mechanism to limit the reaction zone temperature rise, increase the hydrogen solubility and more uniformly distribute the heat of reaction in the reaction mixture. As a result of the recycle, some embodiments may use less processing  
30 equipment, less excess hydrogen, a lower operating pressure, less utilities, or any combination

of the above. In another embodiment, hydrogen may be supplied by integrating the process into an existing hydrogen generating facility such as a refinery.

#### SUMMARY OF THE INVENTION

[0006] The process is for producing a hydrocarbon product from a renewable feedstock, the hydrocarbon product comprising hydrocarbons having boiling points in the aviation fuel range. The process comprises hydrogenating, deoxygenating (including decarboxylation, decarbonylation, and hydrodeoxygenation), isomerizing, and selectively hydrocracking the renewable feedstock in a reaction zone in the presence of hydrogen and at reaction conditions, by contacting the renewable feedstock with a multifunctional catalyst or a set of catalysts having hydrogenation, deoxygenation, isomerization, and selective hydrocracking functions to provide a reaction effluent comprising water, carbon oxides, light hydrocarbon gasses, hydrogen and paraffinic hydrocarbons. The water, carbon oxides, light hydrocarbon gasses, and hydrogen are separated from the reaction effluent to generate a liquid stream comprising the paraffinic hydrocarbons. The stream comprising the paraffinic hydrocarbons is separated to generate the hydrocarbon product comprising hydrocarbons having boiling points in the aviation fuel range; an overhead stream comprising naphtha; and a bottoms stream comprising components having boiling points higher than the aviation fuel boiling point range. The hydrocarbon product stream is recovered.

[0007] In one embodiment, a portion of the paraffins generated in the reaction zone is recycled to the reaction zone with a volume ratio of recycle to feedstock in the range of 0.1:1 to 8:1 in order to increase the solubility of hydrogen in deoxygenation reaction mixture and to minimize the severity of the hydrocracking per pass. In another embodiment the volume ratio of recycle to feedstock in the range of 2:1 to 8:1. The recycled portion of the paraffins generated in the reaction zone may include all or a portion of the hydrocarbons having boiling points higher than aviation fuel. An optional reforming or steam reforming step may be included in order to produce hydrogen needed in the hydrogenation, deoxygenation, hydroisomerization, and selective hydrocracking reactions.

#### BRIEF DESCRIPTION OF THE DRAWING

[0008] The Figure is a general flow scheme diagram of the invention including the optional steam reforming zone and the hydrocarbon recycle.

#### DETAILED DESCRIPTION OF THE INVENTION

[0009] As stated, the present invention relates to a process for producing a hydrocarbon product stream having hydrocarbons with boiling points in the aviation fuel range from renewable feedstocks originating from plants or animals other than petroleum feedstocks. Therefore the hydrocarbon product is useful as an aviation fuel or an aviation fuel blending component. The term renewable feedstock is meant to include feedstocks other than those obtained directly from petroleum crude oil. Another term that has been used to describe this class of feedstocks is renewable fats and oils. The renewable feedstocks that can be used in the present invention include any of those which comprise glycerides and free fatty acids (FFA). Examples of these feedstocks include, but are not limited to, canola oil, corn oil, soy oils, rapeseed oil, soybean oil, colza oil, tall oil, sunflower oil, hempseed oil, olive oil, linseed oil, coconut oil, castor oil, peanut oil, palm oil, mustard oil, cottonseed oil, tallow, yellow and brown greases, lard, train oil, fats in milk, fish oil, algal oil, sewage sludge, cuphea oil, camelina oil, jatropha oil, curcas oil, babassu oil, palm kernel oil, crambe oil, and the like. Biorenewable is another term used to describe these feedstocks. The glycerides, FFAs, and fatty acid alkyl esters, of the typical vegetable oil or animal fat contain aliphatic hydrocarbon chains in their structure which have 8 to 24 carbon atoms with a majority of the oils containing high concentrations of fatty acids with 16 and 18 carbon atoms. Mixtures or co-feeds of renewable feedstocks and fossil fuel derived hydrocarbons may also be used as the feedstock. Other feedstock components which may be used, especially as a co-feed component in combination with the above listed feedstocks, include spent motor oil and industrial lubricants, used paraffin waxes, liquids derived from gasification of coal, biomass, or natural gas followed by a downstream liquefaction step such as Fischer-Tropsch technology; liquids derived from depolymerization, thermal or chemical, of waste plastics such as polypropylene, high density polyethylene, and low density polyethylene; and other synthetic oils generated as byproducts from petrochemical and chemical processes. Mixtures of the above feedstocks may also be used as co-feed components. One advantage of using a co-feed component is the transformation of what has been considered to be a waste product

from a fossil fuel based or other process into a valuable co-feed component to the current process.

**[0010]** The hydrocarbon product stream generated in the present invention is suitable for, or as a blending component for, uses such as an aviation fuel. Depending upon the application, various additives may be combined with the fuel composition generated in order to meet required specifications for different specific fuels. In particular, the hydrocarbon product stream generated herein complies with, is a blending component for, or may be combined with one or more additives to meet at least one of: ASTM D 1655 Specification for Aviation Turbine Fuels Defense Stan 91--91 Turbine Fuel, Aviation Kerosene Type, Jet A-1 NATO code F-35, F-34, F-37 Aviation Fuel Quality Requirements for Jointly Operated Systems (Joint Checklist) A combination of ASTM and Def Stan requirements GOST 10227 Jet Fuel Specifications (Russia) Canadian CAN/CGSB-3.22 Aviation Turbine Fuel, Wide Cut Type Canadian CAN/CGSB-3.23 Aviation Turbine Fuel, Kerosene Type MIL-DTL-83133, JP-8, MIL-DTL-5624, JP-4, JP-5 QAV-1 (Brazil) Especificacao de Querosene de Aviacao No. 3 Jet Fuel (Chinese) according to GB6537 DCSEA 134A (France) Carbureacteur Pour Turbomachines D'Aviation, Type Kerosene Aviation Turbine Fuels of other countries, meeting the general grade requirements for Jet A, Jet A-1, Jet B, and TS-1 fuels as described in the IATA Guidance Material for Aviation Turbine Fuel Specifications. The aviation fuel is generally termed "jet fuel" herein and the term "jet fuel" is meant to encompass aviation fuel meeting the specifications above as well as to encompass aviation fuel used as a blending component of an aviation fuel meeting the specifications above. Additives may be added to the jet fuel in order to meet particular specifications. One particular type of jet fuel is JP-8, defined by Military Specification MIL-DTL-83133, which is a military grade type of highly refined kerosene based jet propellant specified by the United States Government. The fuel produced from glycerides or FAA as described herein is very similar to isoparaffinic kerosene or iPK, also known as a synthetic paraffinic kerosene (SPK) or synthetic jet fuel.

**[0011]** Renewable feedstocks that can be used in the present invention may contain a variety of impurities. For example, tall oil is a by product of the wood processing industry and tall oil contains esters and rosin acids in addition to FFAs. Rosin acids are cyclic carboxylic acids. The renewable feedstocks may also contain contaminants such as alkali metals, e.g. sodium and potassium, phosphorous as well as solids, water and detergents. An optional first

step is to remove as much of these contaminants as possible. One possible pretreatment step involves contacting the renewable feedstock with an ion-exchange resin in a pretreatment zone at pretreatment conditions. The ion-exchange resin is an acidic ion exchange resin such as Amberlyst™-15 and can be used as a bed in a reactor through which the feedstock is  
5 flowed through, either upflow or downflow. Another technique involves contacting the renewable feedstock with a bleaching earth, such as bentonite clay, in a pretreatment zone.

[0012] Another possible means for removing contaminants is a mild acid wash. This is carried out by contacting the feedstock with an acid such as sulfuric, nitric, phosphoric, or hydrochloric and water in a reactor. The acidic aqueous solution and feedstock can be  
10 contacted either in a batch or continuous process. Contacting is done with a dilute acid solution usually at ambient temperature and atmospheric pressure. If the contacting is done in a continuous manner, it is usually done in a counter current manner. Yet another possible means of removing metal contaminants from the feedstock is through the use of guard beds which are well known in the art. These can include alumina guard beds either with or without  
15 demetallation catalysts such as nickel or cobalt. Various forms of aluminas are suitable. Filtration and solvent extraction techniques are other choices which may be employed. Hydroprocessing such as that described in USAN 11/770,826 is another pretreatment technique which may be employed. Hydrolysis may be used to convert triglycerides to a contaminant mixture of free fatty acids and hydrothermolysis may be used to convert  
20 triglycerides to oxygenated cycloparaffins.

[0013] The renewable feedstock is flowed to a single reaction zone or stage comprising one or more catalyst beds in one or more reactor vessels. Within a single reaction zone or stage, multiple beds or vessels may be employed, but no product separation is performed between the beds or vessels. The term feedstock is meant to include feedstocks that have not  
25 been treated to remove contaminants as well as those feedstocks purified in a pretreatment zone or an oil processing facility. In the reaction zone, the renewable feedstock is contacted, in the presence of hydrogen, with a multifunctional catalyst or set of catalysts comprising deoxygenation, hydrogenation, isomerization and selective hydrocracking functions.

[0014] A number of reactions occur concurrently within the reaction zone. The order of  
30 the reactions is not critical to the invention and the reactions may occur in various orders. One reaction occurring in the reaction zone is hydrogenation to saturate olefinic compounds

in the reaction mixture. Another type of reaction occurring in the reaction zone is deoxygenation. The deoxygenation of the feedstock may proceed through different routes such as decarboxylation, decarbonylation, and/or hydrodeoxygenation in order to remove oxygen from the feedstock. Decarboxylation, decarbonylation, and hydrodeoxygenation are  
5 herein collectively referred to as deoxygenation reactions.

[0015] Depending upon the feedstock, the product of the hydrogenation and deoxygenation steps contains paraffinic hydrocarbons suitable for use as diesel fuel or as a blending component for diesel fuel, but further isomerization and selective hydrocracking results in isoparaffinic hydrocarbons meeting the specifications for other fuels or as blending  
10 components for other fuels. The product from some feedstocks may not require selective hydrocracking. As illustrative of this concept, a concentration of paraffins formed from renewable feedstocks typically have 15 to 18 carbon atoms, but additional paraffins may be formed to provide a range of from 8 to 24 carbon atoms. Different feedstocks will have different distributions of paraffins, and some renewable feedstocks may not require  
15 hydrocracking. The 9 to 24 carbon number range is a desired paraffin carbon number range for diesel fuel, which is a valuable fuel itself. Aviation fuel, however, generally comprises paraffins having boiling points from 132°C or 140°C to 300°C which overlaps a portion of the diesel fuel range. To convert the diesel range fuel to a fuel useful for aviation, the larger chain-length paraffins are hydrocracked. Typical hydrocracking processes are likely to over-  
20 crack the paraffins and generate a large quantity of less valuable low molecular weight molecules. Therefore another reaction occurring in the reaction zone is the selective hydrocracking of the paraffins generated from the renewable feedstock. Selective hydrocracking is used in order to control the degree of hydrocracking and maximize the amount of product formed in the desired carbon number range. The selective hydrocracking is  
25 controlled through catalyst choice and reaction conditions. Ideally, each paraffin molecule would experience only a single hydrocracking event and ideally that single hydrocracking event would result in at least one paraffin in the C8 to C16 carbon number range. The selective hydrocracking may proceed through several different routes.

[0016] However, fuel specifications are typically not based upon carbon number ranges.  
30 Instead, the specifications for different types of fuels are often expressed through acceptable ranges of chemical and physical requirements of the fuel. For example, aviation turbine fuels,

a kerosene type fuel including JP-8, are specified by MIL-DTL-83133, JP-4, a blend of gasoline, kerosene and light distillates, is specified by MIL-DTL-5624 and JP-5 a kerosene type fuel with low volatility and high flash point is also specified by MIL-DTL-5624, with the written specification of each being periodically revised. Often a distillation range from 10  
5 percent recovered to a final boiling point is used as a key parameter defining different types of fuels. The distillations ranges are typically measured by ASTM Test Method D 86 or D2887. Therefore, blending of different components in order to meet the specification is quite common. While the product of the present invention may meet fuel specifications, it is expected that some blending of the product with other blending components may be required  
10 to meet the desired set of fuel specifications or future specific specifications required for such fuels. In other words, the product of this invention may be a component which is used in a mixture with other components to form a fuel meeting at least one of the specifications for aviation fuel such as JP-8. The desired product is a highly paraffinic distillate fuel component having a paraffin content of at least 75% by volume.

15 **[0017]** Finally, selective hydrocracking must be accompanied by sufficient isomerization to prevent poor cold flow properties. Aviation fuel and aviation blending components must have better cold flow properties than achievable with essentially all n-paraffins and so yet another reaction occurring in the reaction zone is isomerization to isomerize at least a portion of the n-paraffins to branched paraffins. Again, the yield of isomerization needed is  
20 dependant upon the specifications required for the final fuel product. Some fuels require a lower cloud or freeze point and thus need a greater yield from the isomerization reaction to produce a larger concentration of branched-paraffins. Alternatively, when hydrocracked fuel is used exclusively as a blending component, the isomerization step may not be necessary.

25 **[0018]** As mentioned above, the multifunctional catalyst or set of catalysts comprise deoxygenation, hydrogenation, isomerization and selective hydrocracking functions. The deoxygenation and hydrogenation functions, which may be the same or separate active sites, may be noble metals such as a platinum group metals including but not limited to ruthenium, rhodium, palladium, platinum, and mixtures thereof at levels ranging from 0.05 to 2.0 weight-% of the catalytic composite. Some catalysts may contain up to 10 wt.-% platinum or  
30 palladium on carbon. Examples of other active sites that may be employed to provide the deoxygenation and hydrogenation functions are sulfided base metals such as sulfided NiMo

or sulfided NiW. A base metal is a metal which oxidizes when heated in air, and other base metals, in addition to nickel, molybdenum and tungsten, which may be a catalyst component herein include iron, lead, zinc, copper, tin, germanium, chromium, titanium, cobalt, rhenium, indium, gallium, uranium, dysprosium, thallium and mixtures and compounds thereof. As to  
5 the isomerization and selective hydrocracking functions, the second portion of the catalyst composite may contain a zeolite with an acid function capable of catalyzing the isomerization and selective hydrocracking reactions. The zeolite concentration can range from 1 to 99 weight percent of the catalyst composite depending upon the type of zeolite employed and the operating conditions. In one embodiment, the zeolite contains medium to large size pores  
10 with 10-12 member rings such as BEA, MOR, MFI, or FAU. In other embodiments, the cracking function is a non-crystalline acid site found in materials such as amorphous silica-aluminas. In another embodiment, a portion of the support has high external surface area, greater than 150 m<sup>2</sup>/g, or large mesopores, greater than 45 Angstrom average pore diameter, for maximum accessibility of the large triglyceride molecules to the catalytic active sites. This  
15 is beneficial since a highly porous structure with large openings will reduce diffusion problems that might otherwise prevent the large glyceride molecules from contacting the active sites of the catalyst. Furthermore, large pores will prevent diffusional resistance for the aviation-range paraffins produced in this catalytic process and prevent further cracking to lower value light products. Examples of catalysts, or sets of catalysts, successful in  
20 catalyzing the deoxygenation, hydrogenation, isomerization, and selective hydrocracking reactions in the same reaction zone include platinum dispersed on a support containing Y-zeolite. Another example is platinum and palladium on a support containing Y-zeolite bound with amorphous silica alumina. An example of a set of catalysts include sulfided NiMo supported on amorphous silica alumina and platinum supported on amorphous silica alumina.

25 **[0019]** The catalyst function for deoxygenation and hydrogenation will be similar to those already known for hydrogenation or hydrotreating. The hydrogenation or hydrotreating catalyst function reacts with hydrogen at hydrogenation conditions to hydrogenate the olefinic or unsaturated portions of the fatty acid chains. Hydrogenation or hydrotreating catalyst functions are any of those well known in the art such as nickel or sulfided nickel and  
30 molybdenum or nickel tungsten dispersed on a high surface area support. Other hydrogenation catalyst functions include one or more noble metal elements dispersed on a

high surface area support. Non-limiting examples of noble metals include Pt and/or Pd dispersed on gamma-alumina.

[0020] The hydrogenation and hydrotreating catalyst functions enumerated above are also capable of catalyzing decarboxylation, decarbonylation, and/or hydrodeoxygenation of the feedstock to remove oxygen. Decarboxylation, decarbonylation, and hydrodeoxygenation are herein collectively referred to as deoxygenation reactions. The order in which the reactions take place is not critical to the invention.

[0021] Catalyst functions and conditions for selective hydrocracking and isomerization are well known in the art. See for example US 2004/0230085 A1 which is incorporated by reference in its entirety. Many catalysts well known for isomerization can also become selective cracking catalyst functions at more severe conditions. The same catalyst may be employed for both the isomerization and the selective hydrocracking, or two or more different catalysts may be employed. Due to the presence of hydrogen, these reactions may also be called hydroisomerization and hydrocracking.

[0022] Overall, the isomerization of the paraffinic product can be accomplished in any manner known in the art or by using any suitable catalyst known in the art. Many of the isomerization catalyst functions are also suitable selective hydrocracking functions, although some may require different conditions than would be employed for isomerization alone. In general, catalysts or catalytic components having an acid function and mild hydrogenation function are favorable for catalyzing both the isomerization reaction and the selective hydrocracking reaction. For a single multi-component catalyst the same active site employed for deoxygenation can also serve as the mild hydrogenation function for the selective hydrocracking and isomerization reactions. In general, suitable selective hydrocracking/isomerization catalysts comprise a metal of Group VIII (IUPAC 8-10) of the Periodic Table and a support material. Suitable Group VIII metals include platinum and palladium, each of which may be used alone or in combination. The support material may be amorphous or crystalline, or a combination of the two. Suitable support materials include, aluminas, amorphous aluminas, amorphous silica-aluminas, ferrierite, ALPO-31, SAPO-11, SAPO-31, SAPO-37, SAPO-41, SM-3, MgAPSO-31, FU-9, NU-10, NU-23, ZSM-12, ZSM-22, ZSM-23, ZSM-35, ZSM-48, ZSM-50, ZSM-57, MeAPO-11, MeAPO-31, MeAPO-41, MeAPSO-11, MeAPSO-31, MeAPSO-41, MeAPSO-46, ELAPO-11, ELAPO-31, ELAPO-41, ELAPSO-11, ELAPSO-31, ELAPSO-41, laumontite,

cancrinite, offretite, hydrogen form of stillbite, magnesium or calcium form of mordenite, and magnesium or calcium form of partheite, each of which may be used alone or in combination. ALPO-31 is described in US 4,310,440. SAPO-11, SAPO-31, SAPO-37, and SAPO-41 are described in US 4,440,871. SM-3 is described in US 4,943,424; US 5,087,347; US 5,158,665; and US 5,208,005. MgAPSO is a MeAPSO, which is an acronym for a metal  
5 aluminumsilicophosphate molecular sieve, where the metal Me is magnesium (Mg). Suitable MeAPSO-31 catalysts include MgAPSO-31. MeAPSOs are described in US 4,793,984, and MgAPSOs are described in US 4,758,419. MgAPSO-31 is a preferred MgAPSO, where 31 means a MgAPSO having structure type 31. Many natural zeolites, such as ferrierite, that have  
10 an initially reduced pore size can be converted to forms suitable for selective hydrocracking and isomerization by removing associated alkali metal or alkaline earth metal by ammonium ion exchange and calcination to produce the substantially hydrogen form, as taught in US 4,795,623 and US 4,924,027. Further catalysts and conditions for skeletal isomerization are disclosed in US 5,510,306, US 5,082,956, and US 5,741,759.

15 **[0023]** The selective hydrocracking/isomerization catalyst function may also comprise a modifier selected from the group consisting of lanthanum, cerium, praseodymium, neodymium, phosphorus, samarium, gadolinium, terbium, and mixtures thereof, as described in US 5,716,897 and US 5,851,949. Other suitable support materials include ZSM-22, ZSM-23, and ZSM-35, which are described for use in dewaxing in US 5,246,566 and in the article entitled  
20 "New molecular sieve process for lube dewaxing by wax isomerization," written by S. J. Miller, in Microporous Materials 2 (1994) 439-449. The teachings of US 4,310,440; US 4,440,871; US 4,793,984; US 4,758,419; US 4,943,424; US 5,087,347; US 5,158,665; US 5,208,005; US 5,246,566; US 5,716,897; and US 5,851,949 are hereby incorporated by reference.

25 **[0024]** US 5,444,032 and US 5,608,968 teach a suitable bifunctional catalyst which is constituted by an amorphous silica-alumina gel and one or more metals belonging to Group VIIIA, and is effective in the hydroisomerization of long-chain normal paraffins containing more than 15 carbon atoms. US 5,981,419 and 5,908,134 teach a suitable bifunctional catalyst which comprises: (a) a porous crystalline material isostructural with beta-zeolite selected from boro-silicate (BOR-B) and boro-alumino-silicate (Al-BOR-B) in which the molar  $\text{SiO}_2:\text{Al}_2\text{O}_3$   
30 ratio is higher than 300:1; (b) one or more metal(s) belonging to Group VIIIA, selected from platinum and palladium, in an amount comprised within the range of from 0.05 to 5% by

weight. Article V. Calemma et al., *App. Catal. A: Gen.*, 190 (2000), 207 teaches yet another suitable catalyst.

[0025] The catalysts for the selective hydrocracking process typically comprise at least a hydrocracking component and a non hydrocracking component. Compositing the catalyst with  
5 active and non active hydrocracking components may positively affect the particle strength, cost, porosity, and performance. The non hydrocracking components are usually referred to as the support. However, some traditional support materials such as silica-aluminas may make some contribution to the hydrocracking capability of the catalyst. One example of a suitable catalyst is a composite of zeolite beta and an alumina or a silica alumina. Other inorganic  
10 refractory materials which may be used as a support in addition to silica-alumina and alumina include for example silica, zirconia, titania, boria, and zirconia-alumina. These support materials may be used alone or in any combination. Other examples of catalysts are based on zeolite Y or ZSM-5. Another group has primarily amorphous hydrocracking components.

[0026] The catalyst or set of catalysts of the subject process can be formulated using  
15 industry standard techniques. It may be manufactured in the form of a cylindrical extrudate having a diameter of from 0.8 to 3.2 mm (1/32in to 1/8 in). The catalyst can be made in any other desired form such as a sphere or pellet. The extrudate may be in forms other than a cylinder such as the form of a well-known trilobe or other shape which has advantages in terms or reduced diffusional distance or pressure drop.

[0027] A non-selective catalyst function may be utilized under conditions optimized to  
20 result in selective hydrocracking, where primary hydrocracking is accomplished with minimal secondary hydrocracking. Furthermore, a non-selective catalyst function may be modified to weaken the acidity of the catalyst in order to minimize undesired hydrocracking.

[0028] One class of suitable selective hydrocracking catalyst functions are the shape-  
25 selective catalysts. Highly isomerized paraffins are more readily cracked as compared to straight chain or mono-substituted paraffins since they can crack through stabilized carbenium-ion intermediates. Unfortunately, this leads to the tendency for these molecules to over crack and form lighter molecules outside the preferred aviation fuel range. Highly isomerized paraffins are also more likely to crack than the other paraffins and can be prevented from entering the pore  
30 structures of some molecular sieves. A shape-selective catalyst would prevent the majority of highly isomerized molecules from entering the pore structure and hydrocracking leaving only

straight-chain or slightly isomerized paraffins to crack in the catalyst pores. Furthermore, small to medium size pore molecular sieves with 8 to 10 member ring openings prevent easy diffusion of the long chain paraffins deep into the pore system. The end of a long chain paraffin enters the pore channel of the catalyst and encounters a dehydrogenation active site, such as platinum, resulting in an olefin. Protonation of the olefins yields a carbenium ion which rearranges by methyl shift to form a carbenium ion with a single methyl branch, then via  $\beta$ -elimination, the hydrocarbon cracks at the site of the methyl branch yielding two olefins, one short chain and one long chain. In this way, beta scission hydrocracking, the primary mechanism for Bronsted acids, will occur close to the pore mouth of the catalyst. Since diffusion is limited, hydrocracking will be primarily at the ends of the paraffins. Examples of suitable catalysts for this route include ZSM-5, ZSM-23, ZSM-11, ZSM-22 and ferrierite. Further suitable catalysts are described in Arroyo, J. A. M.; Martens, G. G.; Froment, G. F.; Marin, G. B.; Jacobs, P. A.; martens, J. A., Applied Catalysis, A: General, 2000, 192(1) 9-22; Souverijins, W.; Martins, J. A.; Froment, G. F.; Jacobs, P. A., Journal of Catalysis, 1998, 174(2) 177-184; Huang, W.; Li, D.; Kang, X; Shi, Y.; Nie, H. Studies in Surface Science and Catalysis, 2004, 154, 2353-2358; Claude, M. C.; Martens J. A. Journal of Catalysis, 2000, 190(1), 39-48; Sastre, G.; Chica, A.; Corma, A., Journal of Catalysis, 2000, 195(2), 227-236.

**[0029]** In one embodiment, the selective hydrocracking catalyst also contains a metallic hydrogenolysis component. The hydrogenolysis component is provided as one or more base metals uniformly distributed in the catalyst particle. Noble metals such as platinum and palladium could be applied, or the composition of the metal hydrogenolysis component may be, for example, nickel, iridium, rhenium, rhodium, or mixtures thereof. The hydrogenolysis function preferentially cleaves C1 to C6 fragments from the end of the paraffin molecule. Two classes of catalysts are suitable for this approach. A first class is a catalyst having a hydrogenolysis metal with a mechanistic preference to crack the ends of the paraffin molecules. See, for example, Carter, J. L.; Cusumano, J. A.; Sinfelt, J. H. Journal of Catalysis, 20, 223-229 (1971) and Huang, Y. J.; Fung, S. C.; Gates, W. E.; McVicker, G. B. journal of Catalysis 118, 192-202 (1989). The second class of catalysts include those where the hydrogenolysis function is located in the pore mouth of a small to medium pore molecular sieve that prevent facile diffusion of the long chain paraffin molecule into the pores system. Also, since olefins are easier to protonate, and therefore crack, as compared to paraffins, the dehydrogenation

function component may be minimized on the external surface of the catalyst to maintain the selectivity of the hydrocracking. Examples of suitable catalysts for this hydrogenolysis route of selective hydrocracking include silicalite, ferrierite, ZSM-22, ZSM-23 and other small to medium pore molecular sieves.

5 [0030] Another suitable type of catalysts include molecular sieves with strong pore acidity, which when used at higher operating temperatures promote Haag Dessau hydrocracking; a type of acid-catalyst hydrocracking that does not require isomerization or a bifunctional catalyst as described in Weitkamp et al. *Agnew. Chem. Int. ed.* 2001, 40, No. 7, 1244. The intermediate is a carbonium ion formed after protonation of a carbon-carbon or  
10 carbon-hydrogen bond. The catalyst does not need a significant dehydrogenation function since the olefin is not necessary. Residence time on these strong acid sites would need to be minimized to prevent extensive hydrocracking by techniques such as reducing the acid site density or operating at a higher space velocity. An example of a suitable catalyst for this approach is ZSM-5.

15 [0031] Large pore zeolites such as zeolite Beta and zeolite Y with 12 member rings also serve as successful hydrocracking and isomerization functions at mild processing conditions. They can be made more selective by raising their Si/Al ratio through well known means such as steaming or acid-washing. They are further improved towards selective hydrocracking when the length of the pore channels are reduced such as when nanocrystallites are used. The  
20 shorter pore lengths limit the amount of secondary hydrocracking since the product molecules can easily and quickly diffuse away from the zeolite after primary hydrocracking.

[0032] The one stage process to convert natural oils and fats to aviation range paraffins at high iso/normal ratios, operate at a range of conditions that successfully allows very high levels of deoxygenation and hydrogenation, provides significant yields of aviation range paraffins  
25 while minimizing light gas and naphtha production. Therefore, the operating conditions in many instances are refinery or processing unit specific. They may be dictated in large part by the construction and limitations of the existing unit, which normally cannot be changed without significant expense, the composition of the feed and the desired products. The inlet temperature of the catalyst bed should be in the range of from 150°C to 454°C (300°F to 850°F), and the  
30 inlet pressure should be above 1379 kPa gauge to 13,790 kPa gauge (200 to 2,000 psig). The feed stream is admixed with sufficient hydrogen to provide hydrogen circulation rate of 168 to

1684 n.l/l (1000 to 10000 SCF/barrel, hereafter SCFB) and passed into the reactor containing the catalyst or set of catalysts. The hydrogen will be primarily derived from a recycle gas stream which may pass through purification facilities for the removal of acid gases. The hydrogen rich gas admixed with the feed and in one embodiment any recycle hydrocarbons will contain at least 90 mol percent hydrogen. The feed rate in terms of liquid hourly space velocity (L.H.S.V.) will normally be within the broad range of 0.3 to 5 hr<sup>-1</sup>, with a L.H.S.V. below 1.2 being used in one embodiment.

**[0033]** The different reactions types, hydrogenation, deoxygenation, isomerization and selective hydrocracking may be carried out using the same catalyst or using a set of different catalysts. In this embodiment, both isomerization and selective hydrocracking occur concurrently. Examples of catalysts suitable for all reaction types include, but are not limited to, platinum and/or palladium on: zeolite Y, ZSM-5, amorphous silica alumina, MOR, SAPO-11 and/or SM3. Another example is sulfided nickel and molybdenum on: zeolite Y, ZSM-5, amorphous silica alumina, MOR, SAPO-11 and/or SM3.

**[0034]** Hydrogen is a reactant in the reactions above, and to be effective, a sufficient quantity of hydrogen must be in solution to most effectively take part in the catalytic reaction. If hydrogen is not available at the reaction site of the catalyst, the coke forms on the catalyst and deactivates the catalyst. To solve this kind of problem, the pressure in a reaction zone is often raised to insure enough hydrogen is available to avoid coking reactions on the catalyst. The process herein is flexible regarding the operating pressure so that an operator can respond to economic conditions by shifting the deoxygenation pathway. For example, when hydrogen is not too expensive relative to feed cost, an operator may choose to run at higher pressure to favor hydrodeoxygenation and maximize product yield. Suitable pressures may range up to 5171 kPa gauge (750 psig), 5515 kPa gauge (800 psig), 5860 kPa gauge (850 psig), 6205 kPa gauge (900 psig), 6895 kPa gauge (1000 psig), or 8274 kPa gauge (1200 psig). However, higher pressure operations are more costly to build and to operate as compared to their lower pressure counterparts. An advantage of one embodiment of the present invention is that the operating pressure may be in the range of 1379 kPa absolute (200 psia) to 4826 kPa absolute (700 psia) which is lower than traditionally used in a deoxygenation zone. In another embodiment, the operating pressure is in the range of 2413 kPa absolute (350 psia) to 4481 kPa absolute (650 psia), and in yet another embodiment operating pressure is in the range of

2758 kPa absolute (400 psia) to 4137 kPa absolute (600 psia). Furthermore, with the increased hydrogen in solution, the rate of reaction is increased resulting in a greater amount of throughput of material through the reactor in a given period of time. The process is flexible regarding pressure so that the operator can respond to economic conditions by shifting the deoxygenation pathway. That is, an operator may run at low pressure to favor decarboxylation when hydrogen is expensive, but sacrifice some yield in the final product through the loss of carbon. On the other hand, when hydrogen is not too expensive relative to the feed cost, the operator may choose to run at higher pressures to favor hydrodeoxygenation and maximize product yield.

10 **[0035]** In one embodiment of the invention the desired amount of hydrogen is kept in solution at lower pressures by employing a large recycle of hydrocarbon. Other exothermic processes have employed hydrocarbon recycle in order to control the temperature in the reaction zones. However, the range of recycle to feedstock ratios that may be used herein is set based on the need to control the level of hydrogen in the liquid phase and therefore reduce the deactivation rate. The amount of recycle is determined not on temperature control requirements, but instead, based upon hydrogen solubility requirements. Hydrogen has a greater solubility in the hydrocarbon product than it does in the feedstock. By utilizing a large hydrocarbon recycle the solubility of hydrogen in the liquid phase in the reaction zone is greatly increased and higher pressures are not needed to increase the amount of hydrogen in solution and avoid catalyst deactivation at low pressures. In one embodiment of the invention, the volume ratio of hydrocarbon recycle to feedstock is from 0.5:1 to 8:1. In another embodiment the ratio is in the range of 2:1 to 6:1. In another embodiment the ratio is in the range of 3:1 to 6:1 and in yet another embodiment the ratio is in the range of 4:1 to 5:1. The ranges of suitable volume ratios of hydrocarbon recycle to feedstock are described in pending application USAN 12/193,149. Suitable ranges for hydrogen solubility were shown to begin at a recycle to feed ratio of 2:1. From recycle to feed ratios of 2:1 through 6:1 the simulation of USAN 12/193,149 showed that the hydrogen solubility remained high. Thus, the specific ranges of vol/vol ratios of recycle to feed for this embodiment is determined based on achieving a suitable hydrogen solubility in the deoxygenation reaction zone.

30 **[0036]** In another embodiment, instead of recycling hydrocarbon, one or more of the co-feed components discussed above may be used to provide the solubility of hydrogen and

temperature control. Depending upon the relative costs of the hydrocarbon and the co-feed component, one embodiment may be more economic than the other. It is important to note that the recycle or co-feed is optional and the process does not require recycle or co-feed. Complete deoxygenation and hydrogenation may be achieved without recycle or co-feed components. In still another embodiment, the process may be conducted with continuous catalyst regeneration in order to counteract the catalyst deactivation effects of the lower amounts of hydrogen in solution or the higher operating conditions.

**[0037]** The product of the reaction zone is conducted to a separator to remove the byproducts of the reaction zone reactions. Either a cold or a hot separator may be used. When a cold separator is used, the water is removed as a liquid from the bottom of the separator, and when a hot separator is used, the water is removed as a vapor in the overhead stream of the separator. Therefore, the overhead stream from the separator comprises at least propane and light ends, carbon oxides and hydrogen sulfide. Additionally the overhead stream from the separator may comprise water vapor. The carbon oxides and hydrogen sulfide may be removed by techniques such as scrubbing. Suitable scrubbing techniques are described in USAN 60/973,792 and USAN 60/973,816 each hereby incorporated by reference in its entirety. After the carbon oxides and/or the hydrogen sulfide has been removed from the overhead stream, the propane and other light ends are directed to an optional steam reforming zone, discussed below. If the separator is operated as a hot separator and water vapor is present in the separator overhead, the water is optionally retained in the carbon oxide and hydrogen sulfide scrubber, condensed from the hydrocarbon stream, or co-fed with the light ends to the steam reformer. The temperature of the separator may be from ambient temperature to 454°C (850°F), and the pressure may be from 1379 kPa gauge to 13,790 kPa gauge (200 to 2,000 psig). In one embodiment, the temperature is from 150°C to 454°C (300°F to 850°F).

**[0038]** The paraffins produced in the reaction zone are removed from the separator and carried to a fractionation zone to separate the paraffins into different product ranges. Naphtha and any LPG may be separated into an overhead stream from the fractionation zone. A portion of the naphtha may be optionally conducted to the steam reforming zone. The range of hydrocarbons that satisfy the requirements for a specific aviation fuel is removed from the fractionation zone. If there are any paraffins that have boiling points higher than that of the aviation fuel, those heavier paraffins may be removed in a bottoms stream from the

fractionation zone. The operating conditions of the fractionation zone may be varied depending upon the feedstock, the type of paraffins generated in the reaction zone, and the desired fuel to be produced in order to separate the desired hydrocarbons into the sidecut.

[0039] Optionally the process may employ a steam reforming zone in order to provide  
5 hydrogen to the hydrogenation/deoxygenation zone, isomerization zone, and/or selective hydrocracking zone. The steam reforming process is a well known chemical process for producing hydrogen, and is the most common method of producing hydrogen or hydrogen and carbon oxide mixtures. A hydrocarbon and steam mixture is catalytically reacted at high temperature to form hydrogen, and the carbon oxides: carbon monoxide and carbon dioxide.  
10 Since the reforming reaction is strongly endothermic, heat must be supplied to the reactant mixture, such as by heating the tubes in a furnace or reformer. A specific type of steam reforming is autothermal reforming, also called catalytic partial oxidation. This process differs from catalytic steam reforming in that the heat is supplied by the partial internal combustion of the feedstock with oxygen or air, and not supplied from an external source. In general, the  
15 amount of reforming achieved depends on the temperature of the gas leaving the catalyst; exit temperatures in the range of 700°C to 950°C are typical for conventional hydrocarbon reforming. Pressures may range up to 4000 kPa absolute. Steam reforming catalysts are well known and conventional catalysts are suitable for use in the present invention.

[0040] Typically, natural gas is the most predominate feedstock to a steam reforming  
20 process. However, in the present invention, hydrocarbons that are too light for the desired product may be generated at any of the reaction zones. For example, in the deoxygenation zone, propane is a common by product. Other C1 to C3 paraffins may be present as well. These lighter components may be separated from the desired portion of the deoxygenation effluent and routed to the steam reforming zone for the generation of hydrogen. Similarly, paraffins having eight or  
25 less carbon atoms from the effluent of the collective isomerization and selective hydrocracking steps may be conducted to the reforming zone. Therefore, the lighter materials from the deoxygenation, isomerization and hydrocracking zones are directed, along with stream, to a reforming zone. In the reforming zone, the lighter hydrocarbons and steam are catalytically reacted to form hydrogen and carbon oxides. The steam reforming product may be recycled to  
30 any of the reaction zones to provide at least hydrogen to the reaction zone. Optionally, the hydrogen may be separated from the carbon oxides generated in the steam reforming reaction,

and the separated hydrogen may be recycled to any of the reaction zones. Since hydrogen produced from natural gas is an expensive resource and generates unwanted greenhouse gasses, generating at least a portion of the required hydrogen from the undesired renewable products of the reaction zones can decrease the cost of the process and make it more environmentally friendly. This feature becomes more valuable when an external source of hydrogen is not readily available. Another alternative is autothermal reforming, which has the added advantage of low utilities costs.

**[0041]** In an alternative embodiment, catalytic reforming may be employed instead of steam reforming. In a typical catalytic reforming zone, the reactions include dehydrogenation, dehydrocyclization, isomerization and hydrocracking. The dehydrogenation reactions typically will be the isomerization of alkylcyclopentanes to alkylcyclohexanes, the dehydrogenation of paraffins to olefins, the dehydrogenation of cyclohexanes to alkylcycloparaffins and the dehydrocyclization of acyclic paraffins and acyclic olefins to aromatics. The isomerization reactions included isomerization of n-paraffins to isoparaffins, the hydroisomerization of olefins to isoparaffins, and the isomerization of substituted aromatics. The hydrocracking reactions include the hydrocracking of paraffins. The aromatization of the n-paraffins to aromatics is generally considered to be highly desirable because of the high octane rating of the resulting aromatic product. In this application, the hydrogen generated by the reactions is also a highly desired product, for it is recycled to at least the deoxygenation zone. The hydrogen generated is recycled to any of the reaction zones, the hydrogenation/deoxygenation zone, the isomerization zone, and or the selective hydrocracking zone. The aromatics and cycloparaffins that are generated would add to the gasoline fuel and or the aviation fuel depending upon boiling point. Addition of ring compounds to the SPK will result in increase density, which may be desirable.

**[0042]** Turning to the Figure, renewable feedstock 10 enters the reaction zone 12 along with make-up hydrogen stream 42 and optional hydrocarbon recycle 46. Contacting the non-petroleum feedstock with the multifunctional catalyst or set of catalysts generates hydrogenated, deoxygenated, selectively cracked and isomerized reaction zone effluent 14. Reaction zone effluent 14 is introduced into separator 16. Carbon oxides, possibly hydrogen sulfide and C3 and lighter components are separated and removed in line 22. Depending upon whether the separator is operated in a hot or cold mode, the water may be removed as a vapor in line 22 (hot separator mode) or as a liquid in line 18 (cold separator mode). In hot separator

mode, an additional stream (not shown) may be removed from 24 discussed below. The overhead in line 22 comprises a excess hydrogen not consumed in the reactions and the carbon dioxide from the decarboxylation reaction. The carbon dioxide can be removed from the excess hydrogen by means well known in the art, reaction with an aqueous inorganic  
5 alkaline solution, pressure swing absorption, etc. Also, absorption with an amine in processes such as described in co-pending applications USAN 12/193,176 and USAN 12/193,196, hereby incorporated by reference, may be employed. If desired, essentially pure carbon dioxide can be recovered by regenerating the spent absorption media. Therefore line 22 is passed through a scrubber system 24 such as amine scrubbers to remove carbon dioxide in  
10 line 28 and hydrogen sulfide in line 26. Depending upon the scrubber technology selected some portion of water may also be retained by the scrubber. Hydrogen-rich gas is conducted via line 44 to ultimately combine with feedstock 10. A small purge of stream 44 may be included (not shown) to control recycle gas hydrogen purity.

**[0043]** A liquid stream containing jet fuel and diesel fuel range paraffins and some lighter  
15 hydrocarbons is removed from separator 16 in line 20 and conducted to product fractionation zone 30. Product fractionation zone 30 is operated so that product cut 34 contains the hydrocarbons in a boiling range most beneficial to meeting the desired aviation fuel specifications. Product cut 34 is collected for use as aviation fuel or as a blending component of aviation fuel. The lighter materials such as naphtha and LPG are removed in fractionation  
20 zone overhead stream 36. A portion of stream 36 may be conducted in line 38 to reforming zone 40, and hydrogen in line 42 may be recycled to combine with feedstock 10. Optionally, an external source of hydrocarbon feed may be introduced to reforming zone 40 (not shown). If desired, the naphtha and LPG may be further separated into an LPG stream and a naphtha stream (not shown).

**[0044]** Hydrocarbons that have a boiling point higher than acceptable for the specification  
25 of the aviation fuel are removed in bottoms stream 32. A portion of bottoms stream 32 may be recovered and used as fuel such as, for example, low sulfur heating oil fuel, ethylene plant feedstock, feed to lube plant, paraffinic solvent or dielectric oil. It is likely that bottoms stream 32 may be acceptable for use as diesel or a diesel blending component. A portion of  
30 bottoms stream 32 is recycled to the reaction zone. A portion of a hydrocarbon stream may also be cooled down if necessary and used as cool quench liquid between beds of the reaction

zone to further control the heat of reaction and provide quench liquid for emergencies. The recycle stream may be introduced to the inlet of the reaction zone and/or to any subsequent beds or reactors. One benefit of the hydrocarbon recycle is to control the temperature rise across the individual beds. However, as discussed above, the amount of hydrocarbon recycle may be is determined based upon the desired hydrogen solubility in the reaction zone and to minimize the cracking severity per pass to result in high selectivity to aviation range paraffins. Increasing the hydrogen solubility in the reaction mixture allows for successful operation at lower pressures, and thus reduced cost. Operating with high recycle and maintaining high levels of hydrogen in the liquid phase helps dissipate hot spots at the catalyst surface and reduces the formation of undesirable heavy components which lead to coking and catalyst deactivation.

**[0045]** The following example is presented in illustration of this invention and is not intended as an undue limitation on the generally broad scope of the invention as set out in the appended claims.

#### EXAMPLE 1

**[0046]** Deoxygenation, hydrogenation, selective hydrocracking, and isomerization of refined-bleached-deodorized (RBD) soybean oil over several different multifunctional catalysts was accomplished by flowing the RBD soybean oil down over the catalyst in a tubular furnace at a controlled temperature, pressure, space velocity, and H<sub>2</sub>/feed ratio. Each experiment was run at nearly complete deoxygenation and hydrogenation of the soybean oil with a portion of the n-paraffins selectively hydrocracked to produce jet range paraffins having approximately 9 to 18 carbon atoms. The deoxygenation products included CO, CO<sub>2</sub>, H<sub>2</sub>O, and propane; sulfur was removed as H<sub>2</sub>S. Other side products of the selective hydrocracking function include gas phase light products and light liquid phase paraffins.

TABLE 1

Catalyst	A	B	C
Temperature (C)	300	300	350
Pressure (psig)	800	500	500
LHSV, h-1	0.3	0.9	0.9
H <sub>2</sub> /feed (scf/bbl)	9000	4000	4500
Liquid yield	91%	90%	71%
Jet range yield	24%	16%	5%
iso/n jet range product	4.5	2.1	0.8
iso/n diesel range	0.5	0.4	0.5
Lights (liquid)	17%	6.2%	0.4%
Lights (total)	26%	16%	29%
% DeOx	97%	98%	95%

## EXAMPLE 2

5 [0047] Deoxygenation, hydrogenation, selective hydrocracking, and isomerization of refined-bleached-deodorized (RBD) soybean oil over two different multifunctional catalysts in series was accomplished by flowing the RBD soybean oil down over two different catalysts in series ( catalyst 1 and catalyst 2 ) in a tubular furnace at a controlled temperature, pressure, space velocity, and H<sub>2</sub>/feed ratio. The experiment was run at nearly complete deoxygenation and

10 hydrogenation of the soybean oil with a portion of the n-paraffins selectively hydrocracked to produce jet range paraffins having approximately 9 to 18 carbon atoms. The deoxygenation products included CO, CO<sub>2</sub>, H<sub>2</sub>O, and propane; sulfur was removed as H<sub>2</sub>S. Other side products of the selective hydrocracking function include gas phase light products and light liquid phase paraffins. Table 2 summarizes reactor operating conditions and reactor effluent

15 yields as wt.-% of soybean oil feedstock processed.

TABLE 2

Temperature (°C)	Cat. 1 332°C Cat. 2 398°C
Pressure (kPag)	5171
LHSV (h <sup>-1</sup> )	Cat. 1 0.5 Cat. 2 1.0
H <sub>2</sub> /feed (scf/bbl)	5000
H <sub>2</sub> O + CO <sub>2</sub>	13.7 wt.-%
C1	1.0
C2	0.4
C3	7.0
iC4	2.0
nC4	1.6
Naphtha (nC5-132°C)	13.4
Aviation (132°C-279°C)	54.7
Diesel (279°C+)	10

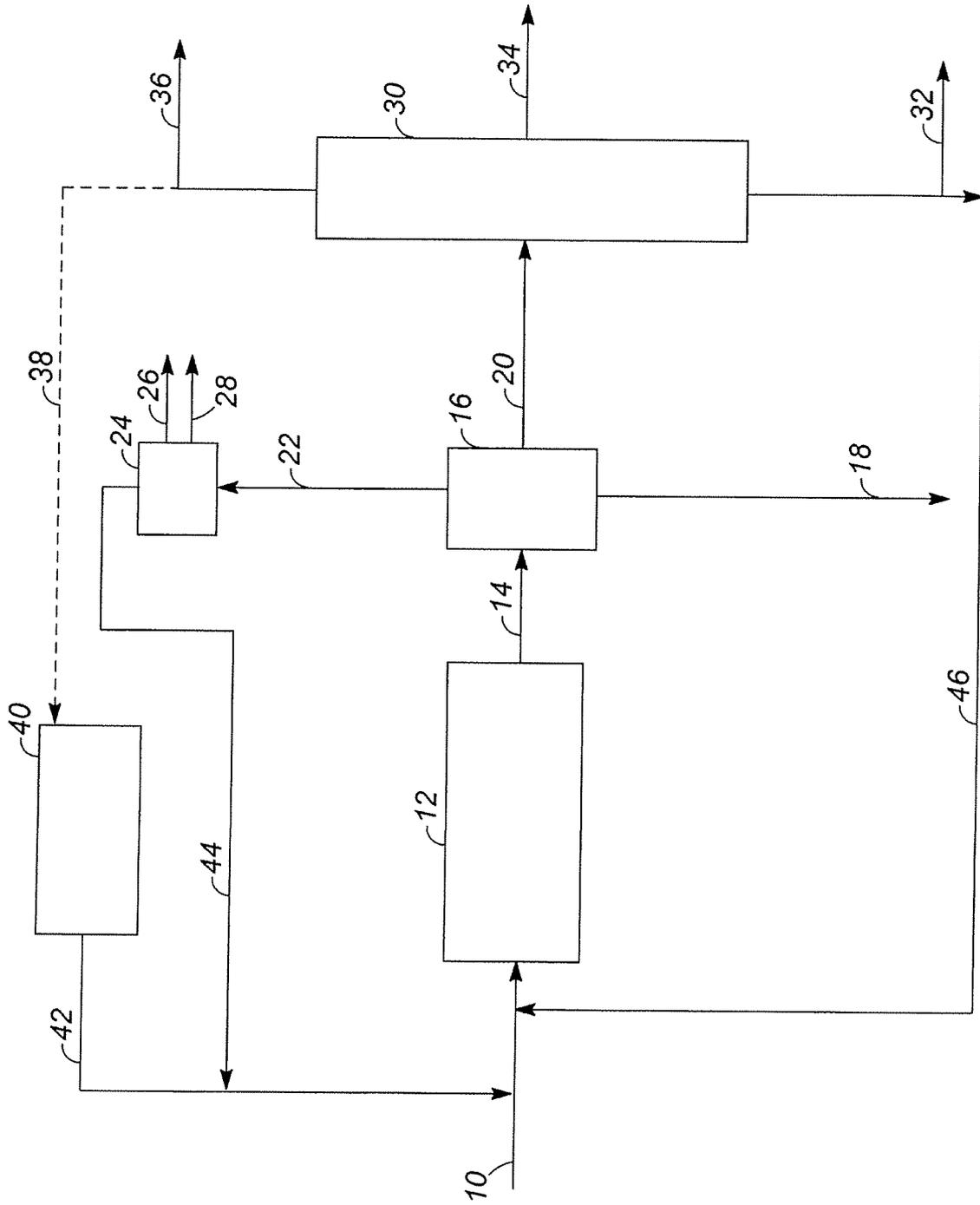
## CLAIMS:

- 1) A process for producing a hydrocarbon product stream from a renewable feedstock, the hydrocarbon product stream comprising hydrocarbons having boiling points in the aviation fuel range, said process comprising;
  - 5 a) hydrogenating, deoxygenating, isomerizing, and selectively hydrocracking the renewable feedstock in a reaction zone in the presence of hydrogen and at reaction conditions, by contacting the renewable feedstock with a multifunctional catalyst or a set of catalysts having hydrogenation, deoxygenation, isomerization, and selective hydrocracking functions to provide a reaction effluent comprising water, carbon  
10 oxides, light hydrocarbon gasses, hydrogen and paraffinic hydrocarbons;
  - b) separating the water, carbon oxides, light hydrocarbon gasses, and hydrogen from the reaction effluent to generate a stream comprising the paraffinic hydrocarbons;
  - c) separating the stream comprising the paraffinic hydrocarbons to generate the hydrocarbon product comprising hydrocarbons having boiling points in the aviation  
15 fuel range; an overhead stream comprising naphtha; and a bottoms stream comprising components having boiling points higher than the aviation fuel boiling point range; and
  - d) recovering the hydrocarbon product stream.
- 2) The process of Claim 1 wherein the multifunctional catalyst or set of catalysts comprise  
20 components selected from the group consisting of noble metals, sulfided metals, sulfided base metals, zeolites, non-crystalline silica-aluminas, and aluminas.
- 3) The process of Claim 1 wherein the hydrocarbon product stream comprises paraffins having from 8 to 16 carbon atoms.
- 4) The process of Claim 1 further comprising recycling a portion of the bottoms stream to  
25 the reaction zone wherein the volume ratio of recycle to feedstock is in the range of 0.1:1 to 8:1.
- 5) The process of Claim 1 wherein the renewable feedstock comprises at least one component selected from the group consisting of fatty acid alkyl esters, canola oil, corn  
30 oil, soy oils, rapeseed oil, soybean oil, colza oil, tall oil, sunflower oil, hempseed oil, olive oil, linseed oil, coconut oil, castor oil, peanut oil, palm oil, mustard oil, cottonseed oil,

tallow, yellow and brown greases, lard, train oil, fats in milk, fish oil, algal oil, sewage sludge, cuphea oil, camelina oil, jatropha oil, curcas oil, babassu oil, palm oil, crambe oil and kernel oil.

- 5 6) The process of Claim 1 further comprising co-feeding or mixing with the renewable feedstock, a component selected from the group consisting of a petroleum hydrocarbon feedstock, liquids derived from gasification of coal or natural gas followed by a downstream liquefaction; liquids derived from depolymerization, thermal or chemical, of waste plastics; and other synthetic oils generated as byproducts from petrochemical and chemical processes.
- 10 7) The process of Claim 1 wherein the reaction zone effluent further comprises at least propane which is separated from the reaction zone effluent in the separator and conducted to a steam reforming zone to produce at least hydrogen, and said hydrogen being recycled to at least the reaction zone.
- 15 8) The process of Claim 1 wherein the reaction zone effluent further provides paraffins having 8 or less carbon atoms which are separated from paraffins having 9 or more carbon atoms, the paraffins having 8 or less carbon atoms being conducted to a steam reforming zone to produce at least hydrogen, said hydrogen being recycled to at least the reaction zone.
- 20 9) The process of Claim 8 wherein the hydrocarbons having 8 or less carbon atoms are separated into a vapor stream comprising paraffins having 5 or fewer carbon atoms from a liquid stream comprising paraffins having 6 or greater carbon atoms, with the vapor stream being conducted to the steam reforming zone.
- 25 10) A hydrocarbon product stream comprising hydrocarbons having boiling points in the aviation fuel range as produced by the process of claim 1.

1/1



# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference H0018725-01	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2009/037066</b>	International filing date ( <i>day/month/year</i> ) <b>13 MARCH 2009 (13.03.2009)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 17 MARCH 2008 (17.03.2008)
Applicant  <b>UOP LLC et al</b>		

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. 1

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/US2009/037066****A. CLASSIFICATION OF SUBJECT MATTER***C10G 67/02(2006.01)i, C10G 45/04(2006.01)i, C07C 2/08(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)

C10G 67/02; C10L 1/00; C10L 1/14; C10L 1/32; C23G 1/06

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) &amp; Keywords:"aviation", "renewable", "fatty acid", "hydrognating", "deoxygenating", "isomerizing", "hydrocracking"

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2005-0268530 A1 (BREWER, M., et al.) 08 December 2005 See abstract, claims	1-10
A	US 2006-0229222 A1 (MULLER, D., et al) 12 October 2006 See abstract, claims	1-10
A	US 6080211 A1 (Igen, Inc) 27 June 2000 See abstract, claims	1-10

 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

"&amp;" document member of the same patent family

Date of the actual completion of the international search

06 JANUARY 2010 (06.01.2010)

Date of mailing of the international search report

**07 JANUARY 2010 (07.01.2010)**

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

KIM Young Min

Telephone No. 82-42-481-5575



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2009/037066**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2005-0268530 A1	08.12.2005	AU 2003-251013 A1 CA 2494855-A1 DE 60312189 D1 EP 1546290 A1 FI20022129A JP 2005-534764 A KR 10-2005-0052460 A RU2005105571A WO 2004-013259 A1	23.02.2004 12.02.2004 12.04.2007 29.06.2005 06.02.2004 17.11.2005 02.06.2005 27.07.2006 12.02.2004
US 2006-0229222 A1	12.10.2006	None	
US 6080211 A1	27.06.2000	AU 2000-34947 A1 CA 2362880-A1 EP 1159377 A1 JP 2002-537438 A WO 2000-049108 A1	17.02.2000 24.08.2000 05.12.2001 05.11.2002 24.08.2000



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/402,078	03/11/2009	Michael J. McCall	H0018725-01	7035
23490	7590	12/16/2010	EXAMINER	
HONEYWELL/UOP PATENT SERVICES 101 COLUMBIA DRIVE P O BOX 2245 MAIL STOP AB/2B MORRISTOWN, NJ 07962			BHAT, NINA NMN	
			ART UNIT	PAPER NUMBER
			1771	
			NOTIFICATION DATE	DELIVERY MODE
			12/16/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PatentServices-US@Honeywell.com  
ip.docketclerk@uop.com  
Elizabeth.Tarver@uop.com



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CT

December 16, 2010

In re application of : DECISION ON REQUEST TO  
Michael McCall et al : PARTICIPATE IN PATENT  
Serial No. 12/402,078 : PROSECUTION HIGHWAY  
Filed: March 11, 2009 : PROGRAM AND  
For: PRODUCTION OF AVIATION FUEL : PETITION TO MAKE SPECIAL  
FROM RENEWABLE FEEDSTOCKS : 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 October 1, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 12/402,078

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700



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[www.uspto.gov](http://www.uspto.gov)

BOOTH UDALL, PLC  
1155 W RIO SALADO PARKWAY  
SUITE 101  
TEMPE AZ 85281

**MAILED**  
**MAY 13 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Noel Tenorio  
Application No. 12/402,099  
Filed: May 11, 2009  
Attorney Docket No.: 1180.0750C

:  
:  
:  
:  
:  
:  
ON PETITION

This is a decision in response to the petition, filed April 4, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 22, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 23, 2010. A Notice of Abandonment was mailed on February 3, 2011. On April 4, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3691 for appropriate action by the Examiner in the normal course of business on the amendment received April 4, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



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LUCAS & MERCANTI, LLP  
475 PARK AVENUE SOUTH  
15<sup>TH</sup> FLOOR  
NEW YORK, NY 10016

**MAILED**

**APR 26 2011**

In re Application of :  
Kimihiko Ookubo et al :  
Application No. 12/402,232 :  
Filed: March 11, 2009 :  
Attorney Docket No. PYRAZOLOTRIAZOLE  
COMPOUND AND ELECTROPHOTOGRAPHIC  
TONER

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition, filed April 25, 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 April 15, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**<sup>1</sup>

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1721 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

---

<sup>1</sup> 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/402,263 03/11/2009 Shunsuke Aoki 1924.83315 7385

7590 10/27/2011
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

VO, THANH DUC

ART UNIT PAPER NUMBER

2189

MAIL DATE DELIVERY MODE

10/27/2011

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: Nimi Sarnes
Patent Publication Branch
Office of Data Management



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**KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED**

**AUG 01 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Cordan et al. :  
Application No. 12/402,296 : **DECISION ON PETITION**  
Filed: March 11, 2009 : **TO WITHDRAW FROM RECORD**  
Attorney Docket No. 028242-009200US :  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 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 David A. Hall, on behalf of all attorneys/agents of record who are associated with Customer Number 20350.

All attorneys/agents associated with the Customer Number 20350 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is an outstanding Office action mailed June 30, 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: Kavlico Corporation  
14401 Princeton Avenue  
Moorpark, CA 93021



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

**MAIL**

**DEC 07 2010**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

In re Application of :  
YAMAZAKI, ATSUSHI : DECISION ON REQUEST TO  
Application No. 12/402,317 : PARTICIPATE IN PATENT  
Filed: March 11, 2009 : PROSECUTION HIGHWAY  
Attorney Docket No. 6639P644 : PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 11, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

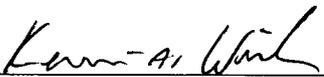
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

  
Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications

Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>
Application Number	12402376
Filing Date	11-Mar-2009
First Named Inventor	Emi Hitosuga
Art Unit	2622
Examiner Name	CHIA WEI CHEN
Attorney Docket Number	10056733US01
Title	IMAGE CAPTURING APPARATUS HAVING DISPLAY CONTROL OF INFORMATION AND FRAMES ON DISPLAYED IMAGES AND DISPLAY CONTROL METHOD

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
  - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
  - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
  - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

**Petition Fee**

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
  - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Jason Truong/
Name	Jason Truong
Registration Number	53704



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[www.uspto.gov](http://www.uspto.gov)

Decision Date : March 29, 2012

In re Application of :

Emi Hitosuga

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12402376

Filed : 11-Mar-2009

Attorney Docket No : 10056733US01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 29, 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 2622 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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PATZIK, FRANK & SAMOTNY LTD.  
150 SOUTH WACKER DRIVE  
SUITE 1500  
CHICAGO IL 60606

**MAILED**

OCT 12 2011

OFFICE OF PETITIONS

In re Patent No. 8,007,145 :  
Issued: August 30, 2011 :  
Application No. 12/402,381 :  
Filed: March 11, 2009 :  
Attorney Docket No: 4856-829 :

ON PETITION

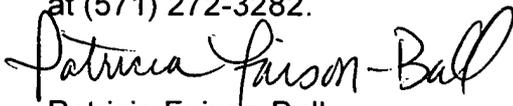
This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed September 22, 2011 under 37 CFR 1.28.

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.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

  
Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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ANTHONY EDW. J CAMPBELL  
PO BOX 160370  
AUSTIN TX 78716

**MAILED**  
**MAY 17 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Stuart J. Starry  
Application No. 12/402,383  
Filed: March 11, 2009  
Attorney Docket No. SSTARR002

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 28, 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 Anthony Edw. J. Campbell on behalf of all attorneys of record who are associated with customer No. 30245. All attorneys/agents associated with the Customer Number 30245 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

cc: STUART J. STARRY  
PO BOX 820  
SANDIA PARK, NM 87047



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/402,383	03/11/2009	Stuart J. Starry	SSTARR002

**CONFIRMATION NO. 7601**

**POWER OF ATTORNEY NOTICE**



30245  
ANTHONY EDW. J CAMPBELL  
PO BOX 160370  
AUSTIN, TX 78716

Date Mailed: 05/12/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/28/2011.

- 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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PATTERSON & SHERIDAN, L.L.P.  
3040 POST OAK BOULEVARD  
SUITE 1500  
HOUSTON, TX 77056

**MAILED**

**DEC 14 2011**

In re Application of  
David Lee Glessner, et. al.  
Application No. 12/402,403  
Filed: March 11, 2009  
Attorney Docket No. NSTAR/0002USP1

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed November 14, 2011.

The request is **NOT APPROVED**.

The present request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor.

37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

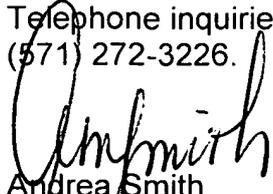
Therefore, as there is currently no Statement under 37 CFR 3.73(b)<sup>1</sup> with the current assignee information of record in the present application, and since the current address information for the first named inventor was not provided, the Office cannot change the correspondence address to the address listed in the Request to Withdraw.

<sup>1</sup> See USPTO Form No. PTO/SB/96.

Additionally, the Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (See USPTO Form PTO/SB/82).

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) 272-3226.



Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: TransCanada Corp.  
c/o Nadine Moustafa  
717 Texas Street  
Houston, TX 77002-2761



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MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES CA 90013-1024

**MAILED**  
**DEC 22 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Yuji Yabuzaki, et al.  
Application No. 12/402,419  
Filed: March 11, 2009  
Attorney Docket No. 285032008001

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 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 request was signed by Mehran Arjomand on behalf of all attorneys of record who are associated with customer No. 25224. All attorneys/agents associated with the Customer Number 25224 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed November 4, 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: YUJI YABUZAKI  
7800 CHIHAMA  
KAKEGAWA-SHI, SHIZUOKA 437-1492  
JAPAN



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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/402,419	03/11/2009	Yuji YABUZAKI	285032008001

**CONFIRMATION NO. 7674**

**POWER OF ATTORNEY NOTICE**



25224  
MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024

Date Mailed: 12/21/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 11/23/2011.

- 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.

/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.
12/402,455	03/11/2009	David A. Stein	120178.436C2	7738
500	7590	04/18/2011	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			VIVLEMORE, TRACY ANN	
701 FIFTH AVE			ART UNIT	PAPER NUMBER
SUITE 5400			1635	
SEATTLE, WA 98104			MAIL DATE	DELIVERY MODE
			04/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APR 18 2011

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE WA 98104

In re Application of:  
Stein et al.

Serial No.: 12/402,455

Filed: March 11, 2009

Docket: 120178.436C2

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: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **ANTISENSE ANTIVIRAL  
COMPOUNDS AND METHODS FOR  
TREATING A FILOVIRUS  
INFECTION**

This is a decision on the petition filed on August 4, 2010 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) 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;

*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.

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.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not in condition for examination as evidenced by applicants' failure to file this petition in accordance with the rules for accelerated examination and MPEP 708.02 which states "Any petition to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). See subsections III and IV below for the requirements for filing a petition to make special based on applicant's health or age. Applications filed prior to August 25, 2006 are not eligible for the revised accelerated examination program set forth in MPEP § 708.02(a). Until August 25, 2006, applicant may file a petition to make special in an application filed prior to August 25, 2006 by complying with the guidelines and requirements set forth in subsections I-II, and V-XII below. A petition to make special filed on or after August 25, 2006 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 MPEP § 708.02(a)." In the event applicant is attempting to invoke a green tech petition, proper procedures have not been followed. Please see the OG Notice of Dec 2009 and May 2010 for green tech petitions.

For the above-stated reasons, the petition of August 4, 2010 is **DENIED**.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/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.
12/402,461	03/11/2009	David A. Stein	120178.436C3	7748
500	7590	04/18/2011	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			VIVLEMORE, TRACY ANN	
701 FIFTH AVE			ART UNIT	PAPER NUMBER
SUITE 5400			1635	
SEATTLE, WA 98104			MAIL DATE	DELIVERY MODE
			04/18/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APR 18 2011

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE WA 98104

In re Application of:  
Stein et al.

Serial No.: 12/402,461

Filed: March 11, 2009

Docket: 120178.436C3

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DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **ANTISENSE ANTIVIRAL  
COMPOUNDS AND METHODS FOR  
TREATING A FILOVIRUS  
INFECTION**

This is a decision on the petition filed on August 4, 2010 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) 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;

*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.

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.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not in condition for examination as evidenced by applicants' failure to file this petition in accordance with the rules for accelerated examination and MPEP 708.02 which states "Any petition to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). See subsections III and IV below for the requirements for filing a petition to make special based on applicant's health or age. Applications filed prior to August 25, 2006 are not eligible for the revised accelerated examination program set forth in MPEP § 708.02(a). Until August 25, 2006, applicant may file a petition to make special in an application filed prior to August 25, 2006 by complying with the guidelines and requirements set forth in subsections I-II, and V-XII below. A petition to make special filed on or after August 25, 2006 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 MPEP § 708.02(a)." In the event applicant is

attempting to invoke a green tech petition, proper procedures have not been followed. Please see the OG Notice of Dec 2009 and May 2010 for green tech petitions.

For the above-stated reasons, the petition of August 4, 2010 is **DENIED**.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/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.
12/402,464	03/11/2009	David A. Stein	120178.436C4	7754
500	7590	04/18/2011	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			VIVLEMORE, TRACY ANN	
701 FIFTH AVE			ART UNIT	PAPER NUMBER
SUITE 5400			1635	
SEATTLE, WA 98104			MAIL DATE	DELIVERY MODE
			04/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APR 18 2011

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 5400  
SEATTLE WA 98104

In re Application of:  
Stein et al.

Serial No.: 12/402,464

Filed: March 11, 2009

Docket: 120178.436C4

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DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **ANTISENSE ANTIVIRAL  
COMPOUNDS AND METHODS FOR  
TREATING A FILOVIRUS  
INFECTION**

This is a decision on the petition filed on August 4, 2010 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) 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;

*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.

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.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not in condition for examination as evidenced by applicants' failure to file this petition in accordance with the rules for accelerated examination and MPEP 708.02 which states "Any petition to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). See subsections III and IV below for the requirements for filing a petition to make special based on applicant's health or age. Applications filed prior to August 25, 2006 are not eligible for the revised accelerated examination program set forth in MPEP § 708.02(a). Until August 25, 2006, applicant may file a petition to make special in an application filed prior to August 25, 2006 by complying with the guidelines and requirements set forth in subsections I-II, and V-XII below. A petition to make special filed on or after August 25, 2006 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 MPEP § 708.02(a)." In the event applicant is

attempting to invoke a green tech petition, proper procedures have not been followed. Please see the OG Notice of Dec 2009 and May 2010 for green tech petitions.

For the above-stated reasons, the petition of August 4, 2010 is **DENIED**.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/  
Marianne. C. Seidel, Quality Assurance Specialist  
Technology Center 1600



MARTINE PENILLA & GENCARELLA, LLP  
710 LAKEWAY DRIVE  
SUITE 200  
SUNNYVALE CA 94085

**MAILED**

**AUG 19 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Becker :  
Application No. 12/402,465 :  
Filed: March 11, 2009 :  
Attorney Docket No. TELAP015A :  
: DECISION ON PETITION  
: TO MAKE SPECIAL  
: 37 CFR 1.102  
:

This is a decision on the petition under 37 CFR 1.102 filed May 21, 2010, 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).

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 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:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The 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 Kenya A. McLaughlin, Petitions Attorney at 571-272-3222.

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 Technology Center Art Unit 2811 for action on the merits commensurate with this decision.



Chris Bottorff  
Supervisor  
Office of Petitions



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KEITH FRANTZ  
401 WEST STATE STREET  
SUITE 200  
ROCKFORD IL 61101

**MAILED**  
**SEP 26 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Voit, Hugh Richard :  
Application No. 12/402,487 : ON PETITION  
Filed: March 11, 2009 :  
Title: APPARATUS AND METHOD FOR :  
ACTUATING KEYBOARD MECHANISMS :  
AND EVALUATING THEIR MECHANICAL :  
PROPERTIES AND STROKE :  
CHARACTERISTICS :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue fee (previously received on May 5, 2011), (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) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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**MAILED**

**OCT 28 2010**

**OFFICE OF PETITIONS**

**THOMAS LOOP  
GRAYBEAL JACKSON LLP  
400 - 108TH AVENUE NE, SUITE 700  
BELLEVUE WA 98004**

In re Application of	:	
G. Graham Allan et al.	:	
Application No. 12/402,489	:	DECISION ON PETITION
Filed: March 11, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 2839-001-03	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 25, 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 an attorney on behalf of inventor G. Graham Allan attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1772 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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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 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/402,518, 03/12/2009, Akihisa SHIMOMURA, 0756-8502, 7862

7590 02/11/2011
Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax, VA 22033

Table with 1 column: EXAMINER

JUNG, MICHAEL

Table with 2 columns: ART UNIT, PAPER NUMBER

2895

Table with 2 columns: MAIL DATE, DELIVERY MODE

02/11/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

February 10, 2011

In Robinson Intellectual Property Law Office, P.C.  
3975 Fair Ridge Drive  
Suite 20 North  
Fairfax VA 22033

re Application of  
SHIMOMURA, AKIHISA, ET AL. : **DECISION ON PETITION**  
Application No: 12/402518 : **ACCEPTANCE OF COLOR**  
Filed: 03/12/2009 : **DRAWINGS**  
Attorney Docket No: 0756-8502 :

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 12, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone 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.
12/402,551	03/12/2009	Alexandre Ellison	31257-269164	7942
26694	7590	08/01/2011	EXAMINER	
VENABLE LLP			REAMES, MATTHEW L	
P.O. BOX 34385			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20043-9998			2893	
			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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United States Patent and Trademark Office  
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VENABLE LLP  
P.O. BOX 34385  
WASHINGTON, DC 20043-9998

AUG 1 2011

<i>In re</i> Application of ELLISON ET AL.	:	
Appl No.: 12/402,551	:	<b>DECISION ON PETITION</b>
Filed: March 12, 2009	:	<b>UNDER</b>
For: Homoepitaxial Growth of SiC on Low Off-Axis SiC Wafers	:	<b>37 CFR 1.84</b>
Attorney Docket No. 31257-269164	:	

This decision is in response to the petition filed May 27, 2009 in the above-identified application. Petitioner requests that color drawings be accepted in accordance with 37 C.F.R. 1.84(a)(2).

The petition is **GRANTED**.

The petition states that color drawings of Figures 1, 4 and 5 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 May 27, 2009 fulfill the requirements set forth in 37 C.F.R. 1.84(a)(2).

Telephonic inquires concerning this decision should be directed to the undersigned at (571) 272-1664.

*Fic*  
\_\_\_\_\_  
Tom Thomas  
Supervisory Patent Examiner  
Art Unit 2893

Applicants : Allard et al.  
Appln. No. : 12/402,559  
Page : 2

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### **REMARKS**

Reconsideration of the application is hereby requested.

The Examiner's remarks have been received and carefully considered. Claims 1-10 and 21-27 are pending. Claims 11-20 have been withdrawn.

In the Final Office Action, the Examiner maintained his provisional rejection of claims 1, 3, 4, 5, 6, 7, 9, and 23 on the ground of nonstatutory double patenting over claims 1, 8, 7, 1, 3, 4, 12, and 12, respectively, of copending U.S. Patent Application No. 12/402,534, filed on March 12, 2009. The Examiner argued in the Office Action that claims 2 and 27 are known in the art and can be made obvious in view of the copending '534 application. In addition, the Examiner maintained his objection to claims 8, 10, 21, 22, and 24-26 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, the Examiner disapproved the Terminal Disclaimer filed by Applicants, arguing that the person who signed the Terminal Disclaimer did not have power of attorney. For the reasons set forth in detail below, it is Applicants' position that all of the pending claims are in condition for allowance and a notice to this effect is earnestly solicited.

Applicants submit herewith a replacement Terminal Disclaimer with the proper signatory and power of attorney. Applicants believe that the Examiner's rejections and objections noted above are now moot in view of the submission of the replacement Terminal Disclaimer. Accordingly, Applicants submit that pending claims 1-10 and 21-27 are allowable.

In addition, Applicants believe that no fee is due with the filing of the Replacement Terminal Disclaimer.

/M.A./

Applicants : Allard et al.  
Appln. No. : 12/402,559  
Page : 3

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In view of the comments outlined above, Applicants believe this application is now in condition for allowance. A notice to this effect is earnestly solicited.

Respectfully submitted,

PRICE HENEVELD LLP

November 7, 2011

Date

/briancheslek/

Brian R. Cheslek, Reg. No. 58 329  
695 Kenmoor, S.E.  
P.O. Box 2567  
Grand Rapids, Michigan 49501-2567  
Tel: 616.949.9610  
Fax: 616.957.8196  
[bcheslek@priceheneveld.com](mailto:bcheslek@priceheneveld.com)

BRC:saw



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Tzony Siegal

:  
:

Application No. 12402621

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: March 12, 2009

:

Attorney Docket No. 3201/20

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 13-DEC-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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**IP GROUP OF DLA PIPER LLP (US)  
ONE LIBERTY PLACE  
1650 MARKET ST, SUITE 4900  
PHILADELPHIA PA 19103**

**MAILED  
FEB 01 2011  
OFFICE OF PETITIONS**

In re Application of :  
Michael ARNOUSE :  
Application No. 12/402,712 : DECISION ON PETITION  
Filed: March 12, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. ARN-08-1059CIP :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 06, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **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 reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it

improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 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).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    Mail Stop PETITIONS  
                                  Commissioner for Patents  
                                  Post Office Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    Customer Service Window  
                                  Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By fax:                     (571) 273-8300  
                                  ATTN: Office of Petitions

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231.



Thurman K. Page  
Petitions Examiner  
Office of Petitions



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ONE LIBERTY PLACE  
1650 MARKET ST, SUITE 4900  
PHILADELPHIA PA 19103

MAILED

JUN 21 2011

OFFICE OF PETITIONS

In re Application of :  
Michael ARNOUSE :  
Application No. 12/402,712 : DECISION ON PETITION  
Filed: March 12, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. ARN-08-1059CIP :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 28, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

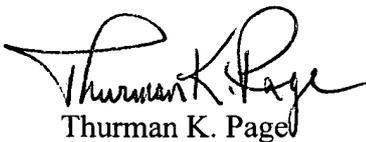
The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. 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 2876 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



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
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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. Values: 12/402,712, 03/12/2009, 2876, 3480, ARN-08-1059CIP, 35, 3

CONFIRMATION NO. 8234

CORRECTED FILING RECEIPT



35811
IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

Date Mailed: 06/20/2011

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)

Michael Arnouse, Old Brookville, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 12/099,000 04/07/2008 PAT 7,533,408
which is a CIP of 10/461,303 06/13/2003 PAT 7,472,275
and claims benefit of 61/028,373 02/13/2008
and is a CIP of 12/099,032 04/07/2008 PAT 7,516,484
which claims benefit of 61/028,373 02/13/2008

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: 03/25/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/402,712

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

PORTABLE COMPUTING SYSTEM AND PORTABLE COMPUTER FOR USE WITH SAME

**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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THE DOW CHEMICAL COMPANY  
P.O. BOX 1967  
2040 DOW CENTER  
MIDLAND, MI 48641

**MAILED**

**MAR 30 2011**

**OFFICE OF PETITIONS**

Applicant: Demirors, et al.

Appl. No.: 12/402,789

Filing Date: March 12, 2009

Title: LONG CHAIN BRANCHED (LCB) BLOCK OR INTERCONNECTED COPOLYMERS OF ETHYLENE IN COMBINATION WITH ONE OTHER POLYMER

Attorney Docket No.: 65869A US

Pub. No.: US 2010/0168330 A1

Pub. Date: July 1, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 1, 2010, for the above-identified application.

The request is **DISMISSED**.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the name of first inventor "Mehmet Demirors" was misprinted as "Memhet Demoirors".

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.<sup>1</sup>

The error on the front page of the publication wherein the spelling of the first inventor's name is incorrect may be Office error, but is not a material Office error under 37 CFR 1.221(b). The typographical error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

A Filing Receipt was mailed by the Office on April 3, 2009, December 14, 2009, February 12, 2010 and March 25, 2010, which incorrectly listed the first inventor's name. To avoid this type of problem in the future applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](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  
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**HARNESS, DICKEY & PIERCE, P.L.C.**  
**P.O. BOX 828**  
**BLOOMFIELD HILLS, MI 48303**

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of

**Murry D. WILSON, et al.**

Application No. 12/402,838

Filed: March 12, 2009

Attorney Docket No. **15913-000001/US/CPA**

:  
:  
: DECISION ON PETITION TO MAKE  
: SPECIAL UNDER 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 13, 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 the certification by registered attorney Joshua B. Dobrowitsky registration number 51288, attesting to the age of inventor Omer L. Hafeniers. Accordingly, the above-identified application has been accorded "special" status.

Inquiries 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.

The application is being forwarded to the Technology Center Art Unit 3618 for action on the merits commensurate with this decision.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

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:	12/402,873	Filing date:	March 12, 2009
First Named Inventor:	Amarendra Anumakonda		

Title of the Invention: Controlling Production of Transportation Fuels from Renewable Feedstocks

**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/US2009/037072

The international date of the corresponding PCT application(s) is/are: 03/13/2009

### I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

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 KIPO AND THE USPTO**

(continued)

Application No.:	12/402,873
First Named Inventor:	Amarendra Anumakonda

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

Is attached

Has already been filed in the above-identified U.S. application on \_\_\_\_\_

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

Are attached.

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	same scope
2	2	same scope
3	1	depends from claim 1
4	3	same scope
5	1	depends from claim 1
6	1	depends from claim 1
7	1	depends from claim 1
8	1	depends from claim 1
9	1	depends from claim 1
10	1	depends from claim 1
11	6	same scope
12	1	depends from claim 1
13	8	same scope
14	9	same scope
15	10	same scope
16	1	depends from claim 1
17-19	-----	Canceled by preliminary amendment

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature		Date	Oct. 1, 2010
Name (Print/Typed)	Maryann Maas	Registration Number	38,954

PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To: UOP LLC  25 EAST ALGONQUIN ROAD P.O. BOX 5017 DES PLAINES IL 60017-5017 USA
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# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) <b>07 JANUARY 2010 (07.01.2010)</b>
---

Applicant's or agent's file reference H0018759-01		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. <b>PCT/US2009/037072</b>	International filing date (day/month/year) <b>13 MARCH 2009 (13.03.2009)</b>	Priority date(day/month/year) 17 MARCH 2008 (17.03.2008)	
International Patent Classification (IPC) or both national classification and IPC  <i>C10G 67/02(2006.01)i, C10G 5/00(2006.01)i, C10L 1/08(2006.01)i</i>			
Applicant <b>UOP LLC et al</b>			

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 06 JANUARY 2010 (06.01.2010)	Authorized officer KIM Young Min Telephone No.82-42-481-5575
		

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/037072

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

- the international application in the language in which it was filed
- a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2.  This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, 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/US2009/037072**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	<u>1-10</u>	YES
	Claims	<u>NONE</u>	NO
Inventive step (IS)	Claims	<u>1-10</u>	YES
	Claims	<u>NONE</u>	NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims	<u>NONE</u>	NO

2. Citations and explanations :

Reference is made to the following documents:

- D1: US 2005-0268530 A1 (BREWER, M., et al.) 08 December 2005
- D2: US 2006-0229222 A1 (MULLER, D., et al) 12 October 2006
- D3: US 6080211 A1 (Igen, Inc.) 27 June 2000
- D4: EP 1681337 A1 (NESTE OIL OYJ) 19 July 2006

1. Novelty and Inventive Step

1.1 Claims 1-10

The subject matter of claim 1 differs from these prior art documents in that

a process for the production of a diesel component comprising hydrocarbons having boiling points in the diesel fuel range and an aviation component comprising hydrocarbons having boiling points in the aviation fuel range from a renewable feedstock comprising. D1 discloses a process for producing a fatty acid composition wherein the process comprises the steps of selecting a crude oil having a fatty acid concentration and distilling said crude oil. The fatty acid composition in D1 is used as a fuel additive in the aviation oil. D2 discloses a composition including fatty acid alkyl ester derived from rapeseed oil, soy oil, canola oil, palm oil, palm nut oil and sunflower oil for an aviation oil. D3 discloses Jet aviation fuels comprising a liquid fuel and lipid vesicles comprising a fatty acid formed from at least one wall former material, said lipid vesicles further comprising at least one cavity containing a fuel additive. D4 discloses that feedstock originating from renewable sources is converted to hydrocarbons in diesel fuel distillation range by contacting with a supported catalyst comprising VIII group metal/metals, whereby the consumption of hydrogen is decreased. Accordingly, D1-D4 do not disclose the set of process comprising hydrogenating, deoxygenating, isomerizing and hydrocracking the renewable feedstock, and separating the paraffinic hydrocarbon streams. 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. Claims 2-10 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-10 are industrially applicable under PCT Article 33(4).

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
17 December 2009 (17.12.2009)

(10) International Publication Number  
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C10G 67/02 (2006.01) C10L 1/08 (2006.01)  
C10G 5/00 (2006.01)

(74) Common Representative: UOP LLC; 25 East Algonquin Road, P.O. Box 5017, Des Plaines, Illinois 60017-5017 (US).

(21) International Application Number:  
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(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

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(25) Filing Language: English

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(30) Priority Data:  
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(71) Applicant (for all designated States except US): UOP LLC [US/US]; 25 East Algonquin Road, P.O. Box 5017, Des Plaines, Illinois 60017-5017 (US).

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

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Published:

— without international search report and to be republished upon receipt of that report (Rule 48.2(g))

(54) Title: CONTROLLING PRODUCTION OF TRANSPORTATION FUELS FROM RENEWABLE FEEDSTOCKS

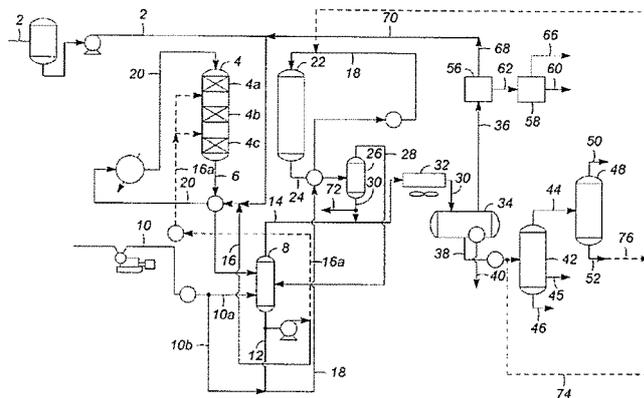


FIG. 1

(57) Abstract: A process for controlling the concurrent production of both diesel range hydrocarbons and aviation range hydrocarbons from renewable feedstocks such as plant oils and animal oils. The process involves determining the required specification of the desired products and the desired relative yields of the product that still meet the required specifications. The necessary isomerization and selective hydrocracking zone conditions are determined in order to create a mixture of paraffins which meet the required product specifications and yields. The necessary fractionation zone conditions are determined to separate the desired products. A renewable feedstock (2) is treated by hydrogenating and deoxygenating (4) to provide an effluent (6) comprising paraffins, isomerizing and selectively hydrogenating (22) at least a portion of the paraffins at the predetermined conditions, and separating by fractionation (42) at the predetermined fractionation conditions to generate a diesel range hydrocarbon product (46) and an aviation range hydrocarbon product (45).

WO 2009/151692 A2

CONTROLLING PRODUCTION OF TRANSPORTATION  
FUELS FROM RENEWABLE FEEDSTOCKS

STATEMENT REGARDING FEDERALLY SPONSORED  
RESEARCH OR DEVELOPMENT

5 [0001] This invention was made under the support of the United States Government, United States Army Research Office, with financial support from DARPA, Agreement Number W911NF-07-C-0049. The United States Government has certain rights in the invention.

BACKGROUND OF THE INVENTION

10 [0002] This invention relates to a process for controlling the production of hydrocarbons useful as transportation fuels including diesel fuel and aviation fuel from renewable feedstocks such as the glycerides and free fatty acids found in materials such as plant oils, fish oils, animal fats, and greases. The process involves hydrogenation, decarboxylation, decarbonylation, and/or hydrodeoxygenation and optionally hydroisomerization, cracking, or  
15 selective cracking, in one or more steps. Desired product specifications and yields are determined and reaction and fractionation conditions are set to achieve the specifications and yields.

[0003] As the demand for transportation fuel increases worldwide there is increasing interest in sources other than petroleum crude oil for producing diesel and aviation fuel. One  
20 such source is what has been termed renewable feedstocks. These renewable feedstocks include examples such as plant oils such as corn, rapeseed, canola, soybean and algal oils, animal fats and oils such as tallow, fish oils and various waste streams such as yellow and brown greases and sewage sludge. The common feature of these feedstocks is that they are composed of glycerides and Free Fatty Acids (FFA). Another class of compounds appropriate  
25 for these processes fatty acid alkyl esters (FAAE), such as fatty acid methyl ester (FAME). These types of compounds contain aliphatic carbon chains generally having from 8 to 24 carbon atoms. The aliphatic carbon chains in the glycerides, FFAs, or FAAEs can be saturated or mono-, di- or poly-unsaturated. Most of the glycerides in the renewable feed stocks will be triglycerides, but some of the glycerides in the renewable feedstock may be monoglycerides

or diglycerides. The monoglycerides and diglycerides can be processed along with the triglycerides.

[0004] There are reports in the art disclosing the production of hydrocarbons from plant oils. For example, US 4,300,009 discloses the use of crystalline aluminosilicate zeolites to  
5 convert plant oils such as corn oil to hydrocarbons such as gasoline and chemicals such as para-xylene. US 4,992,605 discloses the production of hydrocarbon products in the diesel boiling range by hydroprocessing vegetable oils such as canola or sunflower oil. Finally, US 2004/0230085 A1 discloses a process for treating a hydrocarbon component of biological origin by hydrodeoxygenation followed by isomerization.

[0005] The process herein comprises an optional pretreatment step, and one or more steps  
10 to hydrogenate, deoxygenate, hydroisomerize and optionally selectively hydrocrack the renewable feedstock, to generate both a diesel fuel component and an aviation fuel component. The specifications and relative yields of the diesel component and the aviation component are determined and the operating conditions of the isomerization and selective  
15 hydrocracking zone are determined in order to meet the specifications and yields of the products. The fractionation zone conditions are determined in order to separate the desired products at the desired yields. The diesel component and the aviation component may be suitable as fuels, used as components of blending pools, or may have one or more additives incorporated before being used as fuels.

## 20 SUMMARY OF THE INVENTION

[0006] The process herein is a process for controlling the production of a diesel  
component comprising hydrocarbons having boiling points in the diesel fuel range and an  
aviation component comprising hydrocarbons having boiling points in the aviation fuel range  
from a renewable feedstock. The process begins by identifying specifications required for the  
25 diesel component and for the aviation component; determining yields required for the diesel  
component and for the aviation component and that meet required specifications; determining  
isomerization and selective cracking conditions required in an isomerization and selective  
hydrocracking zone that result in the predetermined yields required for the diesel component  
and for the aviation component wherein the diesel component and the aviation component  
30 further meet the identified specifications; and determining operating conditions for a

fractionation zone that results in the separation of the diesel component and the aviation component at the required yields. The process further involves hydrogenating and deoxygenating the renewable feedstock by contacting the feedstock in a hydrogenation and deoxygenation zone with a hydrogenation and deoxygenation catalyst at hydrogenation and deoxygenation conditions to provide a hydrogenation and deoxygenation zone effluent comprising n-paraffins; isomerizing and selectively hydrocracking at least a portion of the n-paraffins in the hydrogenation and deoxygenation zone effluent by contacting with an isomerization and selective hydrocracking catalyst at the predetermined isomerization conditions in an isomerization and selective hydrocracking zone to generate branched-paraffins in an isomerization and selective hydrocracking zone effluent; and fractionating, in the fractionation zone, the isomerization and selective hydrocracking zone effluent the predetermined operating conditions of the fractionation zone to provide a first product stream comprising the diesel component, and a second product stream comprising the aviation component.

15

#### BRIEF DESCRIPTION OF THE DRAWINGS

[0007] FIG. 1 is a general flow scheme of one embodiment of the invention.

[0008] FIG. 2 is a general schematic of one embodiment of the invention to demonstrate possible control actions to implement in the process and their potential impact of the desired products.

20

#### DETAILED DESCRIPTION OF THE INVENTION

[0009] As stated, the present invention relates to a process for producing a first hydrocarbon product stream useful as diesel fuel or diesel fuel blending component and a second hydrocarbon product stream useful as aviation fuel or an aviation fuel blending component from a renewable feedstock such as those originating from plants or animals. The present invention involves controlling such a production process in order to produce the desired fuels as provided in industry, government, or military standards. Different types of diesel fuels or aviation fuels may be produced, and the controlled process provides a technique to enable an operator to produce different fuel types at different times or different relative yields at different times. For example, should the demand for aviation fuel increase

relative to diesel fuel, the control process allows an operator to adjust the relative yields of aviation fuel and diesel fuel to meet changing demands.

[0010] The term renewable feedstock is meant to include feedstocks other than those obtained directly from petroleum crude oil. Another term that has been used to describe at least a portion of this class of feedstocks is biorenewable feedstocks. The renewable feedstocks that can be used in the present invention include any of those which comprise glycerides, fatty acid alkyl esters (FAAE), and free fatty acids (FFA). Examples of these feedstocks include, but are not limited to, canola oil, corn oil, soy oils, rapeseed oil, soybean oil, colza oil, tall oil, sunflower oil, hempseed oil, olive oil, linseed oil, coconut oil, castor oil, peanut oil, palm oil, mustard oil, cottonseed oil, tallow, yellow and brown greases, lard, train oil, fats in milk, fish oil, algal oil, sewage sludge, cuphea oil, camelina, oil, jatropha oil, curcas oil, babassu oil, palm kernel oil, crambe oil, fatty acid methyl esters, lard, and the like. The glycerides, FAAES and FFAs of the typical vegetable or animal fat contain aliphatic hydrocarbon chains in their structure which have 8 to 24 carbon atoms with many of the oils containing high concentrations of fatty acids with 16 and 18 carbon atoms. Mixtures or co-feeds of renewable feedstocks and petroleum derived hydrocarbons may also be used as the feedstock. Other feedstock components which may be used, especially as a co-feed component in combination with the above listed renewable feedstocks, include spent motor oils and industrial lubricants, used paraffin waxes, liquids derived from gasification of coal, biomass, or natural gas followed by a downstream liquefaction step such as Fischer-Tropsch technology; liquids derived from depolymerization, thermal or chemical, of waste plastics such as polypropylene, high density polyethylene, and low density polyethylene; and other synthetic oils generated as byproducts from petrochemical and chemical processes. Mixtures of the above feedstocks may also be used as co-feed components. One advantage of using a co-feed component is transformation of what has been considered to be a waste product from a petroleum based process into a valuable co-feed component to the current process. Another option is to decrease operating expenses by lowering the recycle ratio around the deoxygenation reactor.

[0011] Two hydrocarbon products are generated by the current process; a diesel component and an aviation component. The diesel component comprises hydrocarbons having a boiling point in the diesel range and may be used directly as a fuel, may be blended with other

components before being used as diesel fuel, or may receive additives before being used as a diesel fuel. The aviation component comprises hydrocarbons having a boiling point in the aviation range, which includes jet range, and may be used directly as aviation fuel or may be used as a blending component to meet the specifications for a specific type of aviation fuel, or  
5 may receive additives before being used as an aviation fuel. Depending upon the application, various additives may be combined with the aviation component or the diesel component generated in order to meet required specifications for different specific fuels. In particular, the aviation fuel composition generated herein complies with, is a blending component for, or may be combined with one or more additives to meet at least one of: ASTM D 1655 Specification  
10 for Aviation Turbine Fuels Defense Stan 91--91 Turbine Fuel, Aviation Kerosene Type, Jet A-1 NATO code F-35, F-34, F-37 Aviation Fuel Quality Requirements for Jointly Operated Systems (Joint Checklist) A combination of ASTM and Def Stan requirements GOST 10227 Jet Fuel Specifications (Russia) Canadian CAN/CGSB-3.22 Aviation Turbine Fuel, Wide Cut Type Canadian CAN/CGSB-3.23 Aviation Turbine Fuel, Kerosene Type MIL-DTL-83133, JP-8,  
15 MIL-DTL-5624, JP-4, JP-5 QAV-1 (Brazil) Especificacao de Querosene de Aviacao No. 3 Jet Fuel (Chinese) according to GB6537 DCSEA 134A (France) Carbureacteur Pour Turbomachines D'Aviation, Type Kerosene Aviation Turbine Fuels of other countries, meeting the general grade requirements for Jet A, Jet A-1, Jet B, and TS-1 fuels as described in the IATA Guidance Material for Aviation Turbine Fuel Specifications. The aviation fuel is  
20 generally termed "jet fuel" herein and the term "jet fuel" is meant to encompass aviation fuel meeting the specifications above as well as to encompass aviation fuel used as a blending component of an aviation fuel meeting the specifications above. Additives may be added to the jet fuel in order to meet particular specifications. One particular type of jet fuel is JP-8, defined by Military Specification MIL-DTL-83133, which is a military grade type of highly  
25 refined kerosene based jet propellant specified by the United States Government. The fuel produced from glycerides or FAA as described herein is very similar to isoparaffinic kerosene or iPK, also known as a synthetic paraffinic kerosene (SPK) or synthetic jet fuel.

**[0012]** The control of the process allows for an operator to select the specific type of aviation fuel or blending component or diesel fuel or blending component to be produced and  
30 thus the specifications of the fuels/components and the relative yields of each so long as the yields selected allow the fuel specifications to be met. Then the operating conditions of the

isomerization and selective hydrocracking zone, described below, are determined so that the effluent of the zone comprises the hydrocarbons necessary to meet the desired fuel specifications. The operating conditions of a fractionation zone, also described below, are determined so that the hydrocarbons produced in the isomerization and selective cracking zone are separated into two product streams, a first product stream comprising the hydrocarbons in the diesel boiling range and meeting the specifications selected for the diesel component, and the second product stream comprising the hydrocarbons in the aviation boiling range and meeting the specification selected for the aviation component. A small byproduct stream of light hydrocarbons is also generated. This stream can be converted to useful hydrogen via standard steam reforming if desired.

**[0013]** The control process provides operators with a great deal of flexibility. Different grades of standards of fuels may be produced at different times as the market demands change, and the relative yields of the diesel component and the aviation component may be changed with market demands as well. Feedstock availability and pricing may also result in a need to control the process. The steps of the control process may be executed periodically as the operator desires in order to accommodate changing desires for different fuel specifications or yields.

**[0014]** Renewable feedstocks used in the present invention may contain a variety of impurities. For example, tall oil is a by product of the wood processing industry and tall oil contains esters and rosin acids in addition to FFAs. Rosin acids are cyclic carboxylic acids. The renewable feedstocks may also contain contaminants such as alkali metals, e.g. sodium and potassium, phosphorous as well as solids, water and detergents. An optional first step is to remove as much of these contaminants as possible. One possible pretreatment step involves contacting the renewable feedstock with an ion-exchange resin in a pretreatment zone at pretreatment conditions. The ion-exchange resin is an acidic ion exchange resin such as Amberlyst<sup>TM</sup>-15 and can be used as a bed in a reactor through which the feedstock is flowed through, either upflow or downflow. Another technique includes contacting the renewable feedstock with a bleaching earth, such as bentonite clay, in a pretreatment zone.

**[0015]** Another possible means for removing contaminants is a mild acid wash. This is carried out by contacting the renewable feedstock with an acid such as sulfuric, nitric, phosphoric, or hydrochloric in a reactor. The acid and renewable feedstock can be contacted

either in a batch or continuous process. Contacting is done with a dilute acid solution usually at ambient temperature and atmospheric pressure. If the contacting is done in a continuous manner, it is usually done in a counter current manner. Yet another possible means of removing metal contaminants from the renewable feedstock is through the use of guard beds  
5 which are well known in the art. These can include alumina guard beds either with or without demetallation catalysts such as nickel or cobalt. Filtration and solvent extraction techniques are other choices which may be employed. Hydroprocessing such as that described in USAN 11/770,826 is another pretreatment technique which may be employed.

[0016] With the specifications of the products being determined, the relative yields of the  
10 products being determined, the operating conditions of the isomerization and selective hydrocracking zone and fraction zone being determined and set; the feedstock is flowed to a reaction zone comprising one or more catalyst beds in one or more reactors. The term feedstock is meant to include feedstocks that have not been treated to remove contaminants as well as those feedstocks purified in a pretreatment zone or oil processing facility. In the  
15 reaction zone, the feedstock is contacted with a hydrogenation or hydrotreating catalyst in the presence of hydrogen at hydrogenation conditions to hydrogenate the olefinic or unsaturated portions of the aliphatic hydrocarbon chains. Hydrogenation or hydrotreating catalysts are any of those well known in the art such as nickel or nickel/molybdenum dispersed on a high surface area support. Other hydrogenation catalysts include one or more noble metal catalytic  
20 elements dispersed on a high surface area support. Non-limiting examples of noble metals include Pt and/or Pd dispersed on gamma-aluminas. Hydrogenation conditions include a temperature of 200°C to 300°C and a pressure of 1379 kPa absolute (200 psia) to 4826 kPa absolute (700 psia). Other operating conditions for the hydrogenation zone are well known in the art. Note that a lower temperature zone is not necessary because the higher temperature  
25 hydrotreating conditions will also cause hydrogenation.

[0017] The hydrogenation and hydrotreating catalysts enumerated above are also capable of catalyzing decarboxylation, decarbonylation, and/or hydrodeoxygenation of the feedstock to remove oxygen. Decarboxylation, decarbonylation, and hydrodeoxygenation are herein collectively referred to as deoxygenation reactions. Deoxygenation conditions include a  
30 relatively low pressure of 1724 kPa absolute (250 psia) to 10,342 kPa absolute (1500 psia), with embodiments in the range of 3447 kPa (500 psia) to 6895 kPa (1000 psia) or below

4826 kPaa (700 psia); a temperature of 200°C to 460°C with embodiments in the range of 288°C to 345°C; and a liquid hourly space velocity of 0.25 to 4 hr<sup>-1</sup> with embodiments in the range of 1 to 4 hr<sup>-1</sup>. Since hydrogenation is an exothermic reaction, as the feedstock flows through the catalyst bed the temperature increases and decarboxylation, decarbonylation, and hydrodeoxygenation will occur. Although the hydrogenation reaction is exothermic, some feedstocks may be highly saturated and not generate enough heat internally. Therefore, some embodiments may require external heat input. Thus, it is envisioned and is within the scope of this invention that all the reactions occur simultaneously in one reactor or in one bed.

Alternatively, the conditions can be controlled such that hydrogenation primarily occurs in one bed and decarboxylation, decarbonylation, and/or hydrodeoxygenation occurs in a second or additional bed(s). If only one bed is used, it may be operated so that hydrogenation occurs primarily at the front of the bed, while decarboxylation, decarbonylation and hydrodeoxygenation occurs mainly in the middle and bottom of the bed. Finally, desired hydrogenation can be carried out in one reactor, while decarboxylation, decarbonylation, and/or hydrodeoxygenation can be carried out in a separate reactor. However, the order of the reactions is not critical to the success of the process.

**[0018]** The reaction product from the hydrogenation and deoxygenation reactions will comprise both a liquid portion and a gaseous portion. The liquid portion comprises a hydrocarbon fraction comprising n-paraffins and having a large concentration of paraffins in the 15 to 18 carbon number range. Different feedstocks will have different distributions of paraffins. A portion of this hydrocarbon fraction, after separation from the gaseous portion, may be used as the hydrocarbon recycle described above. Although this hydrocarbon fraction is useful as a diesel fuel or diesel fuel blending component, additional fuels, such as aviation fuels or aviation fuel blending components which typically have a concentration of paraffins in the range of 9 to 15 carbon atoms, may be produced with additional processing. Also, because the hydrocarbon fraction comprises essentially all n-paraffins, it will have poor cold flow properties. Many diesel and aviation fuels and blending components must have better cold flow properties and so the reaction product is further reacted under isomerization conditions to isomerize at least a portion of the n-paraffins to branched paraffins.

**[0019]** The gaseous portion of the reaction product from the hydrogenation and deoxygenation zone comprises hydrogen, carbon dioxide, carbon monoxide, water vapor,

propane nitrogen or nitrogen compounds and perhaps sulfur components such as hydrogen sulfide or phosphorous component such as phosphine. The effluent from the deoxygenation zone is conducted to a hot high pressure hydrogen stripper. One purpose of the hot high pressure hydrogen stripper is to selectively separate at least a portion of the gaseous portion of the effluent from the liquid portion of the effluent. As hydrogen is an expensive resource, to conserve costs, the separated hydrogen is recycled to the first reaction zone containing the deoxygenation reactor. Also, failure to remove the water, carbon monoxide, and carbon dioxide from the effluent may result in poor catalyst performance in the isomerization zone. Water, carbon monoxide, carbon dioxide, any ammonia or hydrogen sulfide are selectively stripped in the hot high pressure hydrogen stripper using hydrogen. The hydrogen used for the stripping may be dry, and free of carbon oxides. The temperature may be controlled in a limited range to achieve the desired separation and the pressure may be maintained at approximately the same pressure as the two reaction zones to minimize both investment and operating costs. The hot high pressure hydrogen stripper may be operated at conditions ranging from a pressure of 689 kPa absolute (100 psia) to 13,790 kPa absolute (2000 psia), and a temperature of 40°C to 350°C. In another embodiment the hot high pressure hydrogen stripper may be operated at conditions ranging from a pressure of 1379 kPa absolute (200 psia) to 4826 kPa absolute (700 psia), or 2413 kPa absolute (350 psia) to 4882 kPa absolute (650 psia), and a temperature of 50°C to 350°C. The hot high pressure hydrogen stripper may be operated at essentially the same pressure as the reaction zone. By “essentially”, it is meant that the operating pressure of the hot high pressure hydrogen stripper is within 1034 kPa absolute (150 psia) of the operating pressure of the reaction zone. For example, in one embodiment the hot high pressure hydrogen stripper separation zone is no more than 1034 kPa absolute (150 psia) less than that of the reaction zone.

**[0020]** The effluent enters the hot high pressure stripper and at least a portion of the gaseous components, are carried with the hydrogen stripping gas and separated into an overhead stream. The remainder of the deoxygenation zone effluent stream is removed as hot high pressure hydrogen stripper bottoms and contains the liquid hydrocarbon fraction having components such as normal hydrocarbons having from 8 to 24 carbon atoms. A portion of this liquid hydrocarbon fraction in hot high pressure hydrogen stripper bottoms may be used as the hydrocarbon recycle described below.

[0021] Hydrogen is a reactant in the reactions above, and to be effective, a sufficient quantity of hydrogen must be in solution to most effectively take part in the catalytic reaction. Past processes have operated at high pressures in order to achieve a desired amount of hydrogen in solution and readily available for reaction. If hydrogen is not available at the reaction site of the catalyst, the coke forms on the catalyst and deactivates the catalyst. To solve this problem, the pressure is often raised to insure enough hydrogen is available to avoid coking reactions on the catalyst. However, higher pressure operations are more costly to build and to operate as compared to their lower pressure counterparts. The present invention allows for the operating pressure to be in the range of 1379 kPa absolute (200 psia) to 4826 kPa absolute (700 psia) which is lower than that found in many previous operations. In another embodiment the operating pressure is in the range of 2413 kPa absolute (350 psia) to 4481 kPa absolute (650 psia), and in yet another embodiment operating pressure is in the range of 2758 kPa absolute (400 psia) to 4137 kPa absolute (600 psia). Furthermore, the rate of reaction is increased resulting in a greater amount of throughput of material through the reactor in a given period of time. Lower operating pressures provide an additional advantage in increasing the decarboxylation reaction while reducing the hydrodeoxygenation reaction. The result is a reduction in the amount of hydrogen required to remove oxygen from the feedstock component and produce a finished product. Hydrogen can be a costly component of the feed and reduction of the hydrogen requirements is beneficial from an economic standpoint.

[0022] In one embodiment of the invention, the desired amount of hydrogen is kept in solution at lower pressures by employing a large recycle of hydrocarbon. Other processes have employed hydrocarbon recycle in order to control the temperature in the reaction zones since the reactions are exothermic reactions. However, the range of recycle to feedstock ratios used herein is set based on the need to control the level of hydrogen in the liquid phase and therefore reduce the deactivation rate. The amount of recycle is determined not on temperature control requirements, but instead, based upon hydrogen solubility requirements. Hydrogen has a greater solubility in the hydrocarbon product than it does in the feedstock. By utilizing a large hydrocarbon recycle the solubility of hydrogen in the liquid phase in the reaction zone is greatly increased and higher pressures are not needed to increase the amount of hydrogen in solution and avoid catalyst deactivation at low pressures. In one embodiment

of the invention, the volume ratio of hydrocarbon recycle to feedstock is from 2:1 to 8:1. In another embodiment the ratio is in the range of 3:1 to 6:1 and in yet another embodiment the ratio is in the range of 4:1 to 5:1. The ranges of suitable volume ratios of hydrocarbon recycle to feedstock are described in pending application USAN 12/193,149. Suitable ranges for hydrogen solubility were shown to begin at a recycle to feed ratio of 2:1. From recycle to feed ratios of 2:1 through 6:1 the simulation of USAN 12/193,149 showed that the hydrogen solubility remained high. Thus, the specific ranges of vol/vol ratios of recycle to feed for this embodiment is determined based on achieving a suitable hydrogen solubility in the deoxygenation reaction zone.

10 **[0023]** In another embodiment, instead of recycling hydrocarbon, one or more of the co-feed components discussed above may be used to provide the solubility of hydrogen and temperature control. Depending upon the relative costs of the hydrocarbon and the co-feed component, one embodiment may be more economic than the other. It is important to note that the recycle or co-feed is optional and the process does not require recycle or co-feed.

15 Complete deoxygenation and hydrogenation may be achieved without recycle or co-feed components. In still another embodiment, the process may be conducted with continuous catalyst regeneration in order to counteract the catalyst deactivation effects of the lower amounts of hydrogen in solution or the higher operating conditions.

**[0024]** Although the hydrocarbons may be useful as a diesel fuel, or a diesel fuel blending component, because they comprises essentially all n-paraffins, they will have poor cold flow properties. To improve the cold flow properties of the liquid hydrocarbon fraction, the reaction product can be contacted with an isomerization catalyst under isomerization conditions in an isomerization and selective hydrocracking zone to at least partially isomerize the n-paraffins to isoparaffins.

25 **[0025]** Catalysts and conditions for isomerization are well known in the art. See for example US 2004/0230085 A1 which is incorporated by reference in its entirety. The conditions used for the isomerization are predetermined so that the proper degree of isomerization and selective cracking are achieved to meet the predetermined specifications of the desired products. Isomerization can be carried out in a separate bed of the same reaction zone, i.e. same reactor, described above or the isomerization can be carried out in a separate

30 reactor. The product of the deoxygenation reaction zone is contacted with an isomerization

catalyst in the presence of hydrogen at isomerization conditions to isomerize the normal paraffins to branched paraffins. In some embodiments, only minimal branching is required, enough to overcome cold-flow problems of the normal paraffins. In other embodiments, a greater amount of isomerization is desired. The predominate isomerization product is generally a mono-branched hydrocarbon. Along with the isomerization, some hydrocracking of the hydrocarbons will occur. The more severe the conditions of the isomerization zone, the greater the amount of hydrocracking of the hydrocarbons. The hydrocracking occurring in the isomerization zone results in a wider distribution of hydrocarbons than resulted from the deoxygenation zone and increased levels of hydrocracking produces higher yields of hydrocarbons in the aviation fuel boiling range.

**[0026]** The isomerization of the paraffinic hydrocarbons can be accomplished in any manner known in the art or by using any suitable catalyst known in the art. Suitable catalysts comprise a metal of Group VIII (IUPAC 8-10) of the Periodic Table and a support material. Suitable Group VIII metals include platinum and palladium, each of which may be used alone or in combination. The support material may be amorphous or crystalline. Suitable support materials include aluminas, amorphous aluminas, amorphous silica-aluminas, ferrierite, ALPO-31, SAPO-11, SAPO-31, SAPO-37, SAPO-41, SM-3, MgAPSO-31, FU-9, NU-10, NU-23, ZSM-12, ZSM-22, ZSM-23, ZSM-35, ZSM-48, ZSM-50, ZSM-57, MeAPO-11, MeAPO-31, MeAPO-41, MeAPSO-11, MeAPSO-31, MeAPSO-41, MeAPSO-46, ELAPO-11, ELAPO-31, ELAPO-41, ELAPSO-11, ELAPSO-31, ELAPSO-41, laumontite, cancrinite, offretite, hydrogen form of stillbite, magnesium or calcium form of mordenite, and magnesium or calcium form of partheite, each of which may be used alone or in combination. ALPO-31 is described in US 4,310,440. SAPO-11, SAPO-31, SAPO-37, and SAPO-41 are described in US 4,440,871. SM-3 is described in US 4,943,424; US 5,087,347; US 5,158,665; and US 5,208,005. MgAPSO is a MeAPSO, which is an acronym for a metal aluminumsilicophosphate molecular sieve, where the metal Me is magnesium (Mg). Suitable MeAPSO-31 catalysts include MgAPSO-31. MeAPSOs are described in US 4,793,984, and MgAPSOs are described in US 4,758,419. MgAPSO-31 is a preferred MgAPSO, where 31 means a MgAPSO having structure type 31. Many natural zeolites, such as ferrierite, that have an initially reduced pore size can be converted to forms suitable for olefin skeletal isomerization by removing associated alkali metal or alkaline earth metal by ammonium ion exchange and calcination to produce the substantially

hydrogen form, as taught in US 4,795,623 and US 4,924,027. Further catalysts and conditions for skeletal isomerization are disclosed in US 5,510,306, US 5,082,956, and US 5,741,759.

[0027] The isomerization catalyst may also comprise a modifier selected from the group consisting of lanthanum, cerium, praseodymium, neodymium, samarium, gadolinium, terbium, and mixtures thereof, as described in US 5,716,897 and US 5,851,949. Other suitable support materials include ZSM-22, ZSM-23, and ZSM-35, which are described for use in dewaxing in US 5,246,566 and in the article entitled "New molecular sieve process for lube dewaxing by wax isomerization," written by S. J. Miller, in Microporous Materials 2 (1994) 439-449. The teachings of US 4,310,440; US 4,440,871; US 4,793,984; US 4,758,419; US 4,943,424; US 5,087,347; US 5,158,665; US 5,208,005; US 5,246,566; US 5,716,897; and US 5,851,949 are hereby incorporated by reference.

[0028] US 5,444,032 and US 5,608,968 teach a suitable bifunctional catalyst which is constituted by an amorphous silica-alumina gel and one or more metals belonging to Group VIIIA, and is effective in the hydroisomerization of long-chain normal paraffins containing more than 15 carbon atoms. US 5,981,419 and 5,908,134 teach a suitable bifunctional catalyst which comprises: (a) a porous crystalline material isostructural with beta-zeolite selected from boro-silicate (BOR-B) and boro-alumino-silicate (Al-BOR-B) in which the molar  $\text{SiO}_2:\text{Al}_2\text{O}_3$  ratio is higher than 300:1; (b) one or more metal(s) belonging to Group VIIIA, selected from platinum and palladium, in an amount comprised within the range of from 0.05 to 5% by weight. Article V. Calemma et al., App. Catal. A: Gen., 190 (2000), 207 teaches yet another suitable catalyst.

[0029] The isomerization catalyst may be any of those well known in the art such as those described and cited above. In general, isomerization conditions include a temperature of 150°C to 360°C and a pressure of 1724 kPa absolute (250 psia) to 4726 kPa absolute (700 psia). In another embodiment the isomerization conditions include a temperature of 300°C to 360°C and a pressure of 3102 kPa absolute (450 psia) to 3792 kPa absolute (550 psia). Other operating conditions for the isomerization zone are well known in the art, and the specific operating conditions used are predetermined and are dependant upon the desired product specifications and relative yields of the products.

[0030] The catalysts suitable for the isomerization of the paraffinic hydrocarbons and the conditions of the isomerization zone also operate to cause some hydrocracking of the

hydrocarbons. Therefore, although a main product of the hydrogenation, deoxygenation, and isomerization steps is a paraffinic hydrocarbon fraction suitable for use as diesel fuel or as a blending component for diesel fuel, a second paraffinic hydrocarbon suitable for use as an aviation fuel, or as a component for aviation fuel is also generated. As illustrative of this concept, a concentration of paraffins formed from renewable feedstocks typically has 15 to 18 carbon atoms, but additional paraffins may be formed to provide a range of from 8 to 24 carbon atoms. A portion of the normal paraffins are isomerized to branched paraffins, but the carbon number range of paraffins does not alter with isomerization alone. However, some hydrocracking will occur concurrently with the isomerization, generating paraffins having boiling points from 150°C to 300°C which is lower than that of the majority of C15 to C18 paraffins produced in the deoxygenation reaction zone. The 150°C to 300°C boiling point range meets many aviation fuel specifications and can therefore be separated from the other boiling point ranges after the isomerization zone in order to produce an aviation fuel. This will lower the overall yield of diesel fuel but allows the production of two fuel products: a diesel fuel and an aviation fuel. The process severity in the isomerization zone controls the potential yield of product for aviation fuel, the amount of light products that are not useful for diesel fuel or aviation fuel, and the isomerized/normal ratio of both aviation and diesel range fuel. The hydrocracking is controlled through catalyst choice and reaction conditions in an attempt to restrict the degree of hydrocracking occurring. Ideally, each paraffin molecule would experience only a single hydrocracking event and ideally that single hydrocracking event would result in at least one paraffin in the C9 to C15 carbon number range. Careful choice of catalyst and control of the process conditions in the isomerization zone both maximizes paraffin products in the aviation fuel range while minimizing the production of the light paraffins that are not useful for either diesel fuel or aviation fuel applications.

**[0031]** Fuel specifications are typically not based upon carbon number ranges. Instead, the specifications for different types of fuels are often expressed through acceptable ranges of chemical and physical requirements of the fuel. For example, aviation turbine fuels, a kerosene type fuel including JP-8, are specified by MIL-DTL-83133, JP-4, a blend of gasoline, kerosene and light distillates, is specified by MIL-DTL-5624 and JP-5 a kerosene type fuel with low volatility and high flash point is also specified by MIL-DTL-5624, with the written specification of each being periodically revised. Often a distillation range from 10

percent recovered to a final boiling point is used as a key parameter defining different types of fuels. The distillations ranges are typically measured by ASTM Test Method D 86 or D2887. Therefore, blending of different components in order to meet the specification is quite common. While the aviation fuel product of the present invention may meet aviation fuel specifications, it is expected that some blending of the product with other blending components may be required to meet the desired set of fuel specifications. In other words, one product of this invention is a composition which may be used with other components to form a fuel meeting at least one of the specifications for aviation fuel such as JP-8. The desired aviation fuel product is a highly paraffinic distillate fuel component having a paraffin content of at least 75% by volume.

**[0032]** The catalysts of the subject process can be formulated using industry standard techniques. It may be manufactured in the form of a cylindrical extrudate having a diameter of from 0.8 to 3.2 mm ( 1/32in to 1/8 in). The catalyst can be made in any other desired form such as a sphere or pellet. The extrudate may be in forms other than a cylinder such as the form of a well-known trilobe or other shape which has advantages in terms of reduced diffusional distance or pressure drop.

**[0033]** The stream obtained after all reactions have been carried out, the final effluent stream, is now processed through one or more separation steps to obtain at least two purified hydrocarbon product streams, one useful as a diesel fuel or diesel fuel blending component and a second useful as aviation fuel or an aviation fuel blending component. At least a third lighter stream of components not useful as diesel or aviation fuel is also separated.

**[0034]** With the effluent stream of the isomerization and selective hydrocracking zone comprising both a liquid component and a gaseous component, various portions of which may be recycled, multiple separation steps may be employed. For example, hydrogen may be first separated in a isomerization effluent separator with the separated hydrogen being removed in an overhead stream. Suitable operating conditions of the isomerization effluent separator include, for example, a temperature of 230°C and a pressure of 4100 kPa absolute (600 psia). If there is a low concentration of carbon oxides, or the carbon oxides are removed, the hydrogen may be recycled back to the hot high pressure hydrogen stripper for use both as a rectification gas and to combine with the remainder as a bottoms stream. The remainder is passed to the isomerization reaction zone and thus the hydrogen becomes a component of the

isomerization reaction zone feed streams in order to provide the necessary hydrogen partial pressures for the reactor. The hydrogen is also a reactant in the deoxygenation reactors, and different feedstocks will consume different amounts of hydrogen. The isomerization effluent separator allows flexibility for the process to operate even when larger amounts of hydrogen  
5 are consumed in the first reaction zone. Furthermore, at least a portion of the remainder or bottoms stream of the isomerization effluent separator may be recycled to the isomerization reaction zone to increase the degree of isomerization.

[0035] The remainder of the isomerization effluent after the removal of hydrogen still has liquid and gaseous components and is cooled, by techniques such as air cooling or water  
10 cooling and passed to a cold separator where the liquid component is separated from the gaseous component. Suitable operating conditions of the cold separator include, for example, a temperature of 20 to 60°C and a pressure of 3850 kPa absolute (560 psia). A water byproduct stream is also separated. At least a portion of the liquid component, after cooling and separating from the gaseous component, may be recycled back to the isomerization zone  
15 to increase the degree of isomerization. Prior to entering the cold separator, the remainder of the isomerization and selective hydrocracking zone effluent may be combined with the hot high pressure hydrogen stripper overhead stream, and the resulting combined stream may be introduced into the cold separator.

[0036] The liquid component contains the hydrocarbons useful as diesel fuel and aviation  
20 fuel, termed diesel fuel range hydrocarbons and aviation fuel range hydrocarbons, respectively, as well as smaller amounts of naphtha and LPG. The separated liquid component is further purified in a product fractionation zone which separates lower boiling components and dissolved gases into an LPG and naphtha stream; an aviation range product; and a diesel range product. Suitable operating conditions of the product distillation zone  
25 include a temperature of from 20 to 200°C at the overhead and a pressure from 0 to 1379 kPa absolute (0 to 200 psia). The conditions of the distillation zone may be adjusted to control the relative amounts of hydrocarbon contained in the aviation range product stream and the diesel range product stream.

[0037] The LPG and naphtha stream may be further separated in a debutanizer or  
30 depropanizer in order to separate the LPG into an overhead stream, leaving the naphtha in a bottoms stream. Suitable operating conditions of this unit include a temperature of from 20

to 200°C at the overhead and a pressure from 0 to 2758 kPa absolute (0 to 400 psia). The LPG may be sold as valuable product or may be used in other processes such as a feed to a hydrogen production facility. Similarly, the naphtha may be used in other processes, such as the feed to a hydrogen production facility.

5 [0038] In another embodiment, a single fraction column may be operated to provide four streams, with the hydrocarbons suitable for use in a diesel fuel removed from the bottom of the column, hydrocarbons suitable for use in an aviation fuel removed from a first side-cut, hydrocarbons in the naphtha range being removed in a second site-cut and the propane and light ends being removed in an overhead from the column. In yet another embodiment, a first  
10 fractionation column may separate the hydrocarbons useful in diesel and aviation fuels into a bottoms stream, and propane, light ends, and naphtha into an overhead stream. A second fractionation column may be used to separate the hydrocarbons suitable for use in a diesel fuel into a bottoms stream of the column and hydrocarbons suitable for use in an aviation fuel into an overhead stream of the column, while a third fractionation column may be employed  
15 to separate the naphtha range hydrocarbons from the propane and light ends. Also, dividing wall columns may be employed.

[0039] The operating conditions of the one or more fractionation columns may be used to control the amount of the hydrocarbons that are withdrawn in each of the streams as well as the composition of the hydrocarbon mixture withdrawn in each stream. Typical operating  
20 variables well known in the distillation art include column temperature, column pressure (vacuum to above atmospheric), reflux ratio, and the like. The result of changing column variables, however, is only to adjust the vapor temperature at the top of the distillation column. Therefore the distillation variables are adjusted with respect to a particular feedstock in order to achieve a temperature cut point to give a product that meets desired properties.  
25 Table 1 shows the effect on product properties from two hydrocarbon feeds by adjusting the final boiling temperature. The feeds A and B were processed from the same vegetable feedstock under identical hydrogenation and deoxygenation conditions but somewhat different isomerization and selective hydrocracking conditions. As a result feeds A and B differed in the iso/normal ratio and cloud point. Initial boiling point of the aviation fuel cut  
30 remained constant (150°C). The examples in Table 1 clearly show that achieving the desired kerosene (jet fuel) product is a function not only of specific boiling range but also

isomerized/normal paraffin ratio. The required freeze point changes for a specific aviation fuel. For example, Freeze point specification for JP-8 jet fuel is  $-47^{\circ}\text{C}$ . Therefore the desired operating parameters for the isomerization reactor and the distillation column must develop with respect to the specific product desired.

5

TABLE 1

Ex.	Feed	Aviation Cut End B.P. ( $^{\circ}\text{C}$ )	Aviation product (iso/normal)	Freeze Point ( $^{\circ}\text{C}$ )
1	A	285	n.a.	- 32
2	A	270	n.a	- 44
3	A	265	4.4	- 48
4	B	275	6.5	- 49

**[0040]** With the present invention, at least 10 wt.-% of aviation fuel or aviation fuel blending component can be recovered. The wt.-% of diesel fuel ranges from 10 to 80 wt.-%. Therefore, wide flexibility in the relative amounts of diesel range fuel and aviation range fuel is achieved. The balance of the product is the naphtha and the light ends. Higher amounts of aviation range fuel is produced by increasing the severity of the isomerization reactor. As the process severity increase, more hydrocracking occurs in the isomerization reaction zone, shifting a portion of the diesel fuel to aviation fuel and the lighter materials. The remaining diesel fraction will also have a higher degree of isomerization.

**[0041]** Table 2 shows the general effect of increasing process condition severity of the isomerization reactor on the amount of diesel fuel, aviation fuel, and light products produced. In the first case maximum diesel is produced and all hydrocarbons in the aviation fuel range remain in the diesel fuel fraction. The isomerization severity remains the same in the second case but now the aviation fuel is separated in a fractionation zone. Diesel fuel amount is decreased while 10 wt.-% to 20 wt.-% aviation fuel is removed. In case three the severity of the isomerization zone is increased and higher hydrocracking levels result in more aviation fuel and less diesel. Also, since the hydrocracking reaction is not totally selective the amount of light products also increase. The severity of the isomerization reactor can be increased through many approaches, including higher temperatures, lower space velocity, different pressure, different hydrogen concentrations, or any combination of these. The last case

25

results in maximum aviation fuel at the highest process severity. At such conditions little diesel fuel remains while the production of lights increase substantially.

TABLE 2

Case	Process Severity	Diesel Fuel (wt%)	Aviation Fuel (wt%)	Light materials (wt%)
#1 Maximum diesel fuel	Mild	70-80%	0%	20-30%
#2 Minimum production of lights with some aviation fuel production	Mild	60-70%	10-20%	20-30%
#3 Higher aviation fuel yields with diesel production	Elevated	40-50%	20-25%	25-40%
#4 Highest aviation fuel yields while minimizing lights	High	30-40%	30-35%	25-40%
#5 Maximum aviation fuel	Severe	<10%	40-45%	45-50%

5

[0042] A portion of the product diesel-range hydrocarbon is recycled to the hydrogenating and deoxygenating reaction zone. The recycle stream may be taken from the product hydrocarbon stream after the hydrogenating and deoxygenating reactor(s) and separation of gaseous components, and recycled back to the hydrogenating and deoxygenating reactor(s). Or  
 10 the recycle stream may be taken from the effluent of a separation unit, such as a hot high pressure separator, located between the deoxygenation reaction zone and the isomerization reaction zone. A portion of a hydrocarbon stream from, for example, a hot high pressure separator or a cold high pressure separator, may also be cooled down if necessary and used as cool quench liquid between the beds of the deoxygenation reaction zone to further control the  
 15 heat of reaction and provide quench liquid for emergencies. The recycle stream may be introduced to the inlet of the deoxygenation reaction zone and/or to any subsequent beds or reactors. One benefit of the hydrocarbon recycle is to control the temperature rise across the individual beds. However, as discussed above, the amount of hydrocarbon recycle herein is determined based upon the desired hydrogen solubility in the reaction zone. Increasing the  
 20 hydrogen solubility in the reaction mixture allows for successful operation at lower pressures, and thus reduced cost. Operating with high recycle and maintaining high levels of hydrogen in the liquid phase helps dissipate hot spots at the catalyst surface and reduces the formation of undesirable heavy components which lead to coking and catalyst deactivation.

[0043] Optionally the process may employ a steam reforming zone in order to provide  
 25 hydrogen to the hydrogenation/deoxygenation zone and isomerization zone. The steam

reforming process is a well known chemical process for producing hydrogen, and is the most common method of producing hydrogen or hydrogen and carbon oxide mixtures. A hydrocarbon and steam mixture is catalytically reacted at high temperature to form hydrogen, and the carbon oxides: carbon monoxide and carbon dioxide. Since the reforming reaction is strongly endothermic, heat must be supplied to the reactant mixture, such as by heating the tubes in a furnace or reformer. A specific type of steam reforming is autothermal reforming, also called catalytic partial oxidation. This process differs from catalytic steam reforming in that the heat is supplied by the partial internal combustion of the feedstock with oxygen or air, and not supplied from an external source. In general, the amount of reforming achieved depends on the temperature of the gas leaving the catalyst; exit temperatures in the range of 700°C to 950°C are typical for conventional hydrocarbon reforming. Pressures may range up to 4000 kPa absolute. Steam reforming catalysts are well known and conventional catalysts are suitable for use in the present invention.

[0044] Typically, natural gas is the most predominate feedstock to a steam reforming process. However, in the present invention, hydrocarbons that are too light for the desired products may be generated at any of the reaction zones. For example, in the deoxygenation zone, propane is a common by product. Other C1 to C3 paraffins may be present as well. These lighter components may be separated from the desired portion of the deoxygenation effluent and routed to the steam reforming zone for the generation of hydrogen. Similarly, paraffins having eight or less carbon atoms from the effluent of the isomerization zone may be conducted to the reforming zone. Therefore, the lighter materials from the deoxygenation, isomerization and hydrocracking zones are directed, along with steam, to a reforming zone. In the reforming zone, the lighter hydrocarbons and steam are catalytically reacted to form hydrogen and carbon oxides. The steam reforming product may be recycled to any of the reaction zones to provide at least hydrogen to the reaction zone. Optionally, the hydrogen may be separated from the carbon oxides generated in the steam reforming reaction, and the separated hydrogen may be recycled to any of the reaction zones. Since hydrogen is an expensive resource, generating at least a portion of the required hydrogen from the undesired products of the reaction zones can decrease the cost of the process. This feature becomes more valuable when an external source of hydrogen is not readily available.

[0045] In an alternative embodiment, catalytic reforming may be employed instead of steam reforming. In a typical catalytic reforming zone, the reactions include dehydrogenation, dehydrocyclization, isomerization, and hydrocracking. The dehydrogenation reactions typically will be the dehydroisomerization of alkylcyclopentanes to alkylcyclohexanes, the  
5 dehydrogenation of paraffins to olefins, the dehydrogenation of cyclohexanes to alkylcycloparaffins and the dehydrocyclization of acyclic paraffins and acyclic olefins to aromatics. The isomerization reactions included isomerization of n-paraffins to isoparaffins, the hydroisomerization of olefins to isoparaffins, and the isomerization of substituted aromatics. The hydrocracking reactions include the hydrocracking of paraffins. The aromatization of the n-  
10 paraffins to aromatics is generally considered to be highly desirable because of the high octane rating of the resulting aromatic product. In this application, the hydrogen generated by the reactions is also a highly desired product, for it is recycled to at least the deoxygenation zone. The hydrogen generated is recycled to any of the reaction zones, the  
15 hydrogenation/deoxygenation zone, the isomerization zone, and or the selective hydrocracking zone.

[0046] Turning to FIG. 1, the operator determines the specifications of the aviation component and the diesel component to be produced. The operator then determines the yield of each component to be produced while still meeting the desired specifications. With those  
20 parameters now set, the operator determines the operating conditions of the isomerization and selective hydrogenation zone and the operating conditions of the fractionation zone to control the slate of hydrocarbons being produced and separated so that the specifications and yields are met. Then a renewable feedstock stream 2, which may pass through an optional feed surge  
drum, is combined with recycle gas stream 68 and recycle stream 16 to form combined feed stream 20, which is heat exchanged with reactor effluent and then introduced into  
25 deoxygenation reactor 4. The heat exchange may occur before or after the recycle is combined with the feed. Deoxygenation reactor 4 may contain multiple beds shown as 4a, 4b and 4c. Deoxygenation reactor 4 contains at least one catalyst capable of catalyzing decarboxylation and/or hydrodeoxygenation of the feedstock to remove oxygen. Deoxygenation reactor effluent  
stream 6 containing the products of the decarboxylation and/or hydrodeoxygenation reactions is  
30 removed from deoxygenation reactor 4 and heat exchanged with stream 20 containing feed to the deoxygenation reactor. Stream 6 comprises a liquid component containing largely normal

paraffin hydrocarbons in the diesel boiling range and a gaseous component containing largely hydrogen, vaporous water, carbon monoxide, carbon dioxide and propane.

[0047] Deoxygenation reactor effluent stream 6 is then directed to hot high pressure hydrogen stripper 8. Make up hydrogen in line 10 is divided into two portions, stream 10a and 10b. Make up hydrogen in stream 10a is also introduced to hot high pressure hydrogen stripper 8. In hot high pressure hydrogen stripper 8, the gaseous component of deoxygenation reactor effluent 6 is selectively stripped from the liquid component of deoxygenation reactor effluent 6 using make-up hydrogen 10a and recycle hydrogen 28. The dissolved gaseous component comprising hydrogen, vaporous water, carbon monoxide, carbon dioxide and at least a portion of the propane, is selectively separated into hot high pressure hydrogen stripper overhead stream 14. The remaining liquid component of deoxygenation reactor effluent 6 comprising primarily normal paraffins having a carbon number from 8 to 24 with a cetane number of 60 to 100 is removed as hot high pressure hydrogen stripper bottom 12.

[0048] A portion of hot high pressure hydrogen stripper bottoms forms recycle stream 16 and is combined with renewable feedstock stream 2 to create combined feed 20. Another portion of recycle stream 16, optional stream 16a, may be routed directly to deoxygenation reactor 4 and introduced at interstage locations such as between beds 4a and 4b and or between beds 4b and 4c in order, or example, to aid in temperature control. The remainder of hot high pressure hydrogen stripper bottoms in stream 12 is combined with hydrogen stream 10b to form combined stream 18 which is routed to isomerization and selective hydrocracking reactor 22. Stream 18 may be heat exchanged with isomerization reactor effluent 24.

[0049] The product of the isomerization and selective hydrocracker reactor containing a gaseous portion of hydrogen and propane and a branched-paraffin-enriched liquid portion is removed in line 24, and after optional heat exchange with stream 18, is introduced into hydrogen separator 26. The overhead stream 28 from hydrogen separator 26 contains primarily hydrogen which may be recycled back to hot high pressure hydrogen stripper 8. Bottom stream 30 from hydrogen separator 26 is air cooled using air cooler 32 and introduced into product separator 34. In product separator 34 the gaseous portion of the stream comprising hydrogen, carbon monoxide, hydrogen sulfide, carbon dioxide and propane are removed in stream 36 while the liquid hydrocarbon portion of the stream is removed in stream 38. A water byproduct stream 40 may also be removed from product separator 34. Stream 38 is introduced to product

stripper 42 where components having higher relative volatilities are separated into stream 44, components within the boiling range of aviation fuel is removed in stream 45, with the remainder, the diesel range components, being withdrawn from product stripper 42 in line 46. Stream 44 is introduced into fractionator 48 which operates to separate LPG into overhead 50 leaving a naphtha bottoms 52. Any of optional lines 72, 74, or 76 may be used to recycle at least a portion of the isomerization zone effluent back to the isomerization zone to increase the amount of n-paraffins that are isomerized to branched paraffins.

[0050] The vapor stream 36 from product separator 34 contains the gaseous portion of the isomerization effluent which comprises at least hydrogen, carbon monoxide, hydrogen sulfide, carbon dioxide and propane and is directed to a system of amine absorbers to separate carbon dioxide and hydrogen sulfide from the vapor stream. Because of the cost of hydrogen, it is desirable to recycle the hydrogen to deoxygenation reactor 4, but it is not desirable to circulate the carbon dioxide or an excess of sulfur containing components. In order to separate sulfur containing components and carbon dioxide from the hydrogen, vapor stream 36 is passed through a system of at least two amine absorbers, also called scrubbers, starting with the first amine absorber zone 56. The amine chosen to be employed in first amine scrubber 56 is capable of selectively removing at least both the components of interest, carbon dioxide and the sulfur components such as hydrogen sulfide. Suitable amines are available from DOW and from BASF, and in one embodiment the amines are a promoted or activated methyldiethanolamine (MDEA). See US 6,337,059, hereby incorporated by reference in its entirety. Suitable amines for the first amine absorber zone from DOW include the UCARSOL™ AP series solvents such as AP802, AP804, AP806, AP810 and AP814. The carbon dioxide and hydrogen sulfide are absorbed by the amine while the hydrogen passes through first amine scrubber zone and into line 68 to be recycled to the first reaction zone. The amine is regenerated and the carbon dioxide and hydrogen sulfide are released and removed in line 62. Within the first amine absorber zone, regenerated amine may be recycled for use again. The released carbon dioxide and hydrogen sulfide in line 62 are passed through second amine scrubber zone 58 which contains an amine selective to hydrogen sulfide, but not selective to carbon dioxide. Again, suitable amines are available from DOW and from BASF, and in one embodiment the amines are a promoted or activated MDEA. Suitable amines for the second amine absorber zone from DOW include the UCARSOL™ HS series solvents such as HS101, HS 102, HS103, HS104, HS115. Therefore

the carbon dioxide passes through second amine scrubber zone 58 and into line 66. The amine may be regenerated which releases the hydrogen sulfide into line 60. Regenerated amine is then reused, and the hydrogen sulfide may be recycled to the deoxygenation reaction zone.

Conditions for the first scrubber zone includes a temperature in the range of 30 to 60°C. The first absorber is operated at essentially the same pressure as the reaction zone. By “essentially” it is meant that the operating pressure of the first absorber is within 1034 kPa absolute (150 psia) of the operating pressure of the reaction zone. For example, the pressure of the first absorber is no more than 1034 kPa absolute (150 psia) less than that of the reaction zone. The second amine absorber zone is operated in a pressure range of from 138 kPa absolute (20 psia) to 241 kPa absolute (35 psia). Also, at least the first the absorber is operated at a temperature that is at least 1°C higher than that of the separator. Keeping the absorbers warmer than the separator operates to maintain any light hydrocarbons in the vapor phase and prevents the light hydrocarbons from condensing into the absorber solvent.

**[0051]** The following examples are presented in illustration of this invention and are not intended as undue limitations on the generally broad scope of the invention as set out in the claims.

**[0052]** Refined, bleached, and deodorized (RBD) soybean oil was hydrogenated and deoxygenated in a pilot plant by flowing the oil down over a fixed-bed deoxygenation catalyst at 315°C, 3447 kPag (500 psig), a LHSV of 1.0 h<sup>-1</sup>, and a H<sub>2</sub>/HC of 711 std m<sup>3</sup>/m<sup>3</sup> (4000 scf/bbl). A sulfur source was added to stabilize the catalyst. The side products of propane, CO<sub>x</sub>, and water were separated from the paraffinic product which was composed almost entirely of C<sub>15</sub> to C<sub>18</sub> n-paraffins. The yield of this n-paraffin product was 83% in the deoxygenation reactor.

**[0053]** The paraffin product described above was isomerized and hydrocracked in a pilot plant by flowing the product over a fixed bed isomerization catalyst at various process conditions as shown in Table 3 below. In all cases the H<sub>2</sub>/HC was 444 std m<sup>3</sup>/m<sup>3</sup> (2500 scf/bbl). Table 3 shows only the amounts of products produced in the isomerization reactor, not the total amount after both deoxygenation and isomerization. In Case 1 no aviation fuel was removed in the fractionation zone and represents high yields of diesel fuel since all of the lighter components for aviation fuel are kept in the diesel product. Case 2 was conducted at the same process conditions as case 1 but aviation fuel was separated resulting in 13 wt.-%

aviation fuel with a corresponding decrease in the yield of diesel fuel to 71 wt.-%. For Case 3 the isomerization reactor was run at a higher bed temperature resulting in increased isomerization and higher amounts of hydrocracking. As noted above, the higher iso/normal ratios allows a broader temperature range for the aviation cut and the increasing the overall yield of aviation fuel. For Case 4 the isomerization zone process severity was decreased by raising the space velocity which resulted in lower yields of aviation fuel and higher yields of diesel fuel. Case 5 was run at higher temperatures and lower space velocity than Case 4 resulting in a significant increase in the amount of yield of aviation fuel, substantially less yield of diesel fuel, and higher isomerization levels for each fuel. In the final case aviation fuel is maximized to 43% with only 5% diesel remaining though a combination of higher temperature, lower space velocity and higher pressure than case 1. The production of lights increased to >50% and the isomerization level of both fuels was very high.

TABLE 3

Process Example	Temperature C	Pressure kPa-gauge (psig)	LHSV (h-1)	Diesel wt% (i/n)	Aviation (wt%) (i/n)	Lights (wt%)
Case 1	345	4137 (600)	1	87% (4.0)	0%	13%
Case 2	345	4137 (600)	1	71% (2.9)	13% (4.4)	16%
Case 3	355	4137 (600)	1	55% (4.3)	22% (6.5)	23%
Case 4	352	3447 (500)	1.7	62% (2.3)	15% (2.3)	23%
Case 5	362	3447 (500)	1.6	29% (7.7)	26% (5.2)	45%
Case 6	355	4826 (700)	0.7	5% (15)	43% (10)	52%

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**[0054]** Turning to FIG.2, a schematic is presented to illustrate possible control actions which may be taken in the operation of process. As used herein “EBP” means end-boiling-point and “IBP” means initial-boiling-point. Table 4 shows sample relationships between the possible control actions in FIG. 2 and the possible impact on the products. In FIG. 2, the process 200 results in the two desired products, diesel fuel 204 and aviation fuel 206. An operator, upon observing and possibly testing the diesel fuel 204 would determine whether

20

the diesel yield met the target, question 210. If the answer to question 210 was no, control may be exercised over the operating parameters of process 200 to result in a change to diesel fuel 204. In this case, one option is to lower the end boiling point cut of the aviation fuel from the fractionation zone. If the diesel yield target is now met in question 210, an operator would  
5 proceed to ask whether the diesel cloud point specification has been met, question 240. If the answer is yes, the diesel product may be ready for sale. If the answer to question 240 is no, additional controls and adjustments may be exercised such as increasing the severity of the isomerization reaction or lowering the end boiling point cut of the of the aviation fuel from the fractionation zone, so that the cloud point specification of the diesel product is met.

10 **[0055]** Similarly, an operator, upon observing and possibly testing the aviation or jet fuel 206 would determine whether the aviation or jet fuel yield met the target, question 220. If the answer to question 220 was no, control may be exercised over the operating parameters of process 200 to result in a change to diesel fuel 204. In this case, one option is to increase the severity of the operating conditions of the isomerization reaction. If the aviation or jet fuel  
15 yield target is now met in question 220, an operator would proceed to ask whether the aviation or jet fuel freeze point specification has been met, question 260. If the answer to question 240 is no, additional controls and adjustments may be exercised such as increasing the severity of the isomerization reaction or lowering the end boiling point cut of the aviation fuel from the fractionation zone, so that the freeze point specification of the aviation or jet  
20 fuel product is met. Once the freeze point specification of the aviation or jet fuel is met, an operator would evaluate whether the flash point specification has been met, question 280. If the answer is yes, the aviation or jet product may be ready for sale. If the answer is no, one control option is to increase the initial boiling point of the aviation or jet cut from the fractionation zone, so that the flash point specification of the aviation or jet fuel product is  
25 met.

TABLE 4

TYPE OF CONTROL (as shown on FIG. 2)	IMPACT
A	Higher Diesel Yields Lower jet Yields Lower Diesel Cloud Point
B	Higher Iso/Normal Ratio More Hydrocracking Lower Diesel Cloud Point Lower Jet Freeze Point Higher yield of Lights and Naphtha Impact on Jet Yield is variable
C	Higher Iso/Normal Ratio More Hydrocracking Lower Diesel Cloud Point Lower Jet Freeze Point Higher yield of Lights and Naphtha Lower Diesel Yield Higher Jet Yield.
D	Lower Jet Yield Higher Yield of Lights and Naphtha

FIG 2. and Table 4 merely illustrate one embodiment of the invention, and are not meant to limit the scope of the invention in any way. Other questions may be asked and other control actions may be employed; all within the scope of the invention.

## CLAIMS:

1. A process for controlling the production of a diesel component comprising hydrocarbons having boiling points in the diesel fuel range and an aviation component comprising hydrocarbons having boiling points in the aviation fuel range from a renewable feedstock comprising:
- 5 identifying specifications required for the diesel component and for the aviation component;
- determining yields required for the diesel component and for the aviation component and that meet required specifications;
- 10 determining isomerization and selective cracking conditions required in an isomerization and selective hydrocracking zone that result in the predetermined yields required for the diesel component and for the aviation component wherein the diesel component and the aviation component further meet the identified specifications;
- determining operating conditions for a fractionation zone that results in the separation
- 15 of the diesel component and the aviation component at the required yields;
- hydrogenating and deoxygenating the renewable feedstock by contacting the feedstock in a hydrogenation and deoxygenation zone with a hydrogenation and deoxygenation catalyst at hydrogenation and deoxygenation conditions to provide a hydrogenation and deoxygenation zone effluent comprising n-paraffins;
- 20 isomerizing and selectively hydrocracking at least a portion of the n-paraffins in the hydrogenation and deoxygenation zone effluent by contacting with an isomerization and selective hydrocracking catalyst at the predetermined isomerization conditions in an isomerization and selective hydrocracking zone to generate branched-paraffins in an isomerization and selective hydrocracking zone effluent; and
- 25 fractionating, in the fractionation zone, the isomerization and selective hydrocracking zone effluent the predetermined operating conditions of the fractionation zone to provide a first product stream comprising the diesel component, and a second product stream comprising the aviation component.
2. The process of Claim 1 further comprising periodically repeating the process.
- 30 3. The process of Claim 1 wherein the specifications are those identified in industry standard, government, or military fuel standard requirements.

4. The process of Claim 1 wherein the yield required for the diesel component is from 30 wt.-% to 70 wt.-% and the yield required for the aviation component is from 10 wt.-% to 35 wt.-%.

5. The process of Claim 1 wherein the renewable feedstock comprises at least one component selected from the group consisting of fatty acid alkyl esters, canola oil, corn oil, soy oils, rapeseed oil, soybean oil, colza oil, tall oil, sunflower oil, hempseed oil, olive oil, linseed oil, coconut oil, castor oil, peanut oil, palm oil, mustard oil, cottonseed oil, tallow, yellow and brown greases, lard, train oil, fats in milk, fish oil, algal oil, sewage sludge, cuphea oil, camelina oil, jatropha oil, curcas oil, babassu oil, palm oil, crambe oil, and kernel oil.

6. The process of Claim 1 further comprising recycling a portion of the hydrogenation and deoxygenation zone effluent to the hydrogenation and deoxygenation zone wherein the hydrocarbon volume ratio recycle to feedstock is in the range of 2:1 to 8:1.

7. The process of Claim 1 further comprising co-feeding or mixing with the renewable feedstock, a component selected from the group consisting of a petroleum hydrocarbon feedstock, liquids derived from gasification of coal or natural gas followed by a downstream liquefaction; liquids derived from depolymerization, thermal or chemical, of waste plastics; and other synthetic oils generated as byproducts from petrochemical and chemical processes.

8. The process of Claim 1 wherein the hydrogenating and deoxygenating further generates at least propane which is separated from the hydrogenation and deoxygenation zone effluent and conducted to a steam reforming zone to produce at least hydrogen, and said hydrogen being recycled to at least the hydrogenation and deoxygenation zone.

9. The process of Claim 1 wherein the selective hydrocracking further provides hydrocarbons having 8 or less carbon atoms which are separated from hydrocarbons having 9 or more carbon atoms, the hydrocarbons having 8 or less carbon atoms being conducted to a steam reforming zone to produce at least hydrogen, said hydrogen being recycled to at least the hydrogenating and deoxygenating zone.

10. A diesel fuel or diesel fuel blending component and an aviation fuel or aviation fuel blending component as produced by the process of Claim 1.



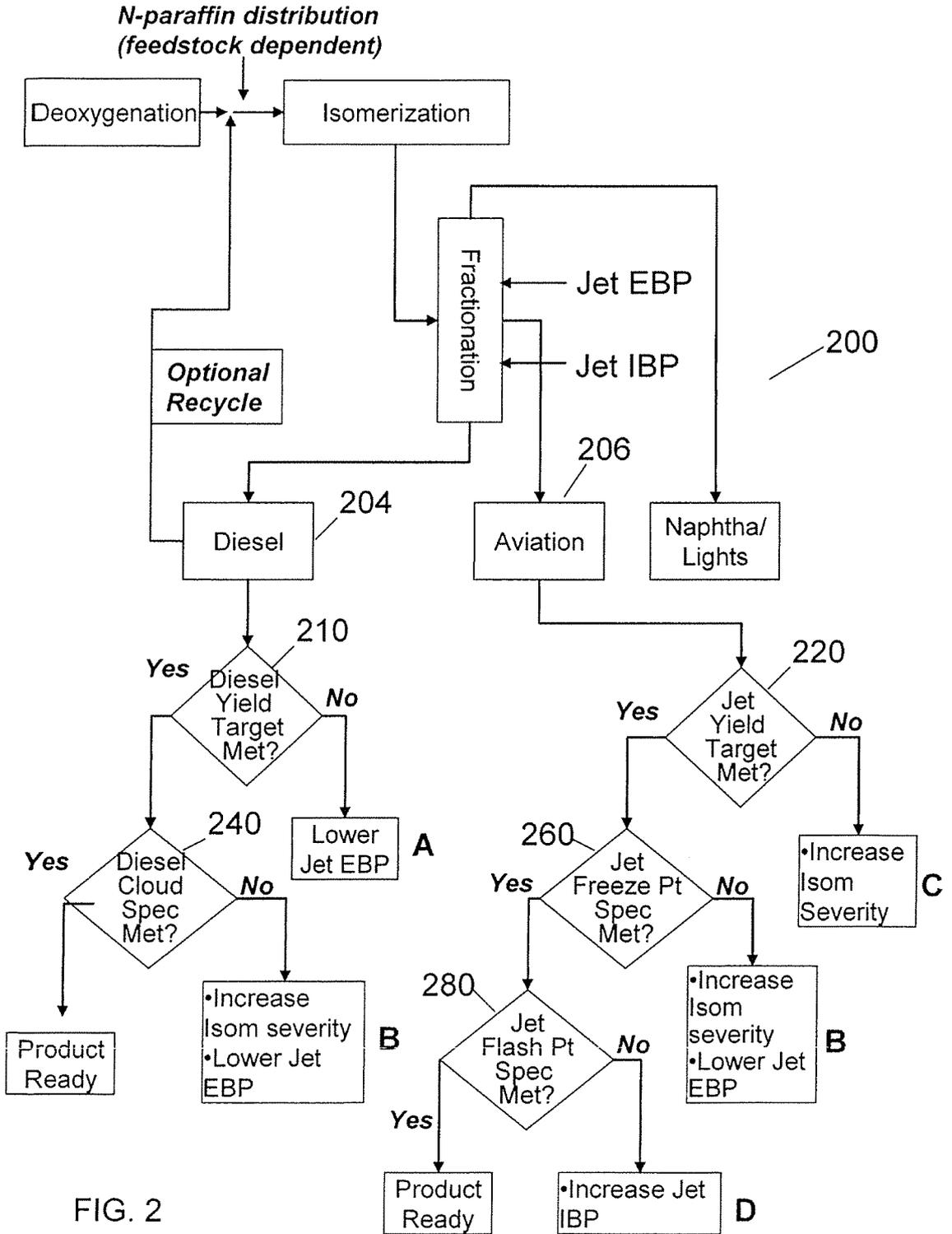


FIG. 2



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(54) **Method for the manufacture of hydrocarbons**

(57) Feedstock originating from renewable sources is converted to hydrocarbons in diesel fuel distillation range by contacting with a supported catalyst comprising

VIII group metal/metals, whereby the consumption of hydrogen is decreased.

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**Description****Field of the invention**

5 [0001] The invention relates to a method for the manufacture of hydrocarbons from renewable sources and particularly to a method for the manufacture of hydrocarbons suitable for the diesel fuel pool. The invention also relates to a method for the manufacture of hydrocarbons with decreased consumption of hydrogen.

**Background of the invention**

10 [0002] Environmental interests and an increasing demand for diesel fuel encourage fuel producers to employ more intensively available renewable sources. However, known processes utilising such sources tend to result in an increase in carbon dioxide emissions with generally known negative effects. In the manufacture of diesel fuel the main interest is focused on vegetable oils and animal fats comprising triglycerides of fatty acids. Long, straight and mostly saturated hydrocarbon chains of fatty acids correspond chemically to the hydrocarbons present in diesel fuels. However, the neat vegetable oils display inferior properties, particularly extreme viscosity, and thus their use in fuels is limited.

15 [0003] Conventional approaches for converting vegetable oils into fuels comprise transesterification, hydrogenation and cracking, among others. Triglycerides, which form the main component in vegetable oils, are converted into the corresponding esters by the transesterification reaction with an alcohol in the presence of catalysts. However, poor low-temperature properties of the products obtained limit their wider use in regions with colder climatic conditions. Schmidt, K., Gerpen J.V.: *SAE paper*961086 teaches that the presence of oxygen in esters results in undesirable higher emissions of NO<sub>x</sub> in comparison to conventional diesel fuels.

20 [0004] Thermal and catalytic cracking of bio-materials like vegetable oils and animal fats lead to a wide spectrum of products. US 5,233,109 describes an example of such process using catalysts containing alumina and another component, such as silica or aluminosilicate. The reactions are generally unselective and less valuable products are formed as well. The unsaturated and aromatic hydrocarbons present in the liquid fraction make these products unattractive for the diesel pool.

25 [0005] Patents US 4,992,605 and US 5,705,722 describe processes for the production of diesel fuel additives by conversion of bio-oils into saturated hydrocarbons under hydroprocessing conditions. The conversion of the carboxylic group into a methyl group requires relatively high hydrogen partial pressure of above 4.5 MPa. Hydrogen consumption is further increased due to eventual side reactions such as methanation and reverse water-gas shift reaction. The high hydrogen consumption limits the use of such processes, especially in refineries where the hydrogen balance is already almost negative because of complying with legislative requirements.

30 [0006] Undesired oxygen may be removed from fatty acids or esters by deoxygenation. The deoxygenation of bio-oils and fats to hydrocarbons, suitable as diesel fuel products, may be performed in the presence of catalysts under hydroprocessing conditions. During hydrodeoxygenation conditions oxogroups are hydrogenated and therefore this reaction requires rather high amounts of hydrogen. Additionally, hydrogen is consumed in side reactions as well.

35 [0007] Decarboxylation of fatty acids results in hydrocarbons with one carbon atom less than the original molecule. The feasibility of decarboxylation varies greatly with the type of carboxylic acid used as the starting material. Activated carboxylic acids containing electron-attracting substituents in the position alpha or beta with respect to the carboxylic group lose carbon dioxide spontaneously at slightly elevated temperatures. In this case, the RC-COOH bond is weakened by the electron shift along the carbon chain.

40 [0008] The majority of fatty acids are, however, not activated. The positive induction effect of the carbon chain evokes a high electron density in the position alpha with respect to the carboxylic group making thus the release of CO<sub>2</sub> difficult. Although the decarboxylation of activated and non-activated carboxylic acids is thermodynamically comparable, the activation energy is significantly higher in the case of the latter one. Therefore drastic conditions or the presence of a catalyst are required to overcome the energetic barrier.

45 [0009] The fusion of alkaline salts of fatty acids with the corresponding hydroxides to hydrocarbons is known already from the 19th century. The reaction is highly unselective and ketones and cracking products, as well as undesired highly alkaline waste are formed with low conversion.

50 [0010] Further, there exist a number of decarboxylation reactions used mainly in organic synthesis. Most of them proceed via free radical mechanism.

55 [0011] US 4,262,157 discloses a decarboxylation process utilising diazacycloalkenes and Cu salts, wherein lauric acid reacts to form n-undecane with 51 % yield at 320 °C. Also decarboxylation of unsaturated acids to form hydrocarbons with one carbon less is described.

[0012] Indirect decarboxylation routes are also known, involving transformation of carboxylic acids into the corresponding halides, followed by their dehalogenation. Hunsdiecker's and Kochi's reactions are examples of such reactions and both reactions proceed via free radical mechanism.

[0013] Available alternative routes involve electrochemical and photo-catalytic decompositions. An example of electrochemical decomposition is the Kolbe electrolysis, wherein the reaction is started by anodic mono-electron oxidation leading to the formation of carboxylate radicals. Their subsequent decarboxylation results in probable formation of hydrocarbon radicals. Their dimerization or less often disproportionation leads to the termination of the free radical reaction. The electrolytic systems for the hydrocarbon synthesis usually comprise aqueous solvents, organic co-solvents, added salts and platinum electrodes. Under such conditions the reaction yields 50-90% of coupling hydrocarbon products. The main side products comprise 1-unsaturated hydrocarbons formed via disproportionation. A similar radical mechanism applies also for photo-catalytically initiated reactions.

[0014] Two step deoxygenation of oxygen-containing bio-oil compounds is described by Parmon et al: *Catalysis Today* 35 (1997) 153-162. The model compound, phenol, is in the first step treated with carbon monoxide over bimetallic alloy RhCu. The product, benzoic acid, consequently decarboxylates in the presence of PtPd or RuPd alloys in the second step

[0015] The complexity of the decarboxylation reactions listed above and/or the low yield and very often, also the hazardous materials applied in the reactions, are the main drawbacks of these approaches.

[0016] Decarboxylation of carboxylic acids to hydrocarbons by contacting carboxylic acids with heterogeneous catalysts was suggested by Maier, W. F. et al: *Chemische Berichte* (1982), 115(2), 808-12. They tested Ni/Al<sub>2</sub>O<sub>3</sub> and Pd/SiO<sub>2</sub> catalysts for decarboxylation of several carboxylic acids. During the reaction the vapours of the reactant passed through a catalytic bed together with hydrogen. Hexane represented the main product of the decarboxylation of the tested compound heptanoic acid. When nitrogen was used instead of hydrogen no decarboxylation was observed.

[0017] US 4,554,397 discloses a process for the manufacture of linear olefins from saturated fatty acids or esters. The catalytic system consists of nickel and at least one metal selected from the group consisting of lead, tin and germanium. According to the examples, when other catalysts, such as Pd/C were used, low catalytic activity, cracking to saturated hydrocarbons or formation of ketones when Raney-Ni was used, were observed.

[0018] Decarboxylation, accompanied with hydrogenation of oxo-compound, is described in Laurent, E., Delmon, B.: *Applied Catalysis, A: General* (1994), 109(1), 77-96 and 97-115, wherein hydrodeoxygenation of biomass derived pyrolysis oils over sulphided CoMo/ $\gamma$ -Al<sub>2</sub>O<sub>3</sub> and NiMo/ $\gamma$ -Al<sub>2</sub>O<sub>3</sub> catalysts was studied. Di-ethyldecanedioate (DES) was used among others as a model compound and it was observed that the rates of formation of the decarboxylation product (nonane) and the hydrogenation product (decane) were comparable under hydrotreating conditions (260-300 °C, 7 MPa, in hydrogen). NiMo/ $\gamma$ -Al<sub>2</sub>O<sub>3</sub> showed slightly higher selectivity towards decarboxylation products in comparison to CoMo/ $\gamma$ -Al<sub>2</sub>O<sub>3</sub> catalyst. The presence of hydrogen sulphide, in contrary to ammonia, also promoted the decarboxylation, particularly when NiMo catalysts were used.

[0019] Based on the above it can be seen that there exists an evident need for an industrially applicable catalytic method for the manufacture of hydrocarbons from renewable sources, utilising the decarboxylation reaction.

#### Object of the invention

[0020] An object of the invention is a method for the manufacture of hydrocarbons from renewable sources.

[0021] A further object of the invention is a method for the manufacture of hydrocarbons suitable for the diesel fuel pool.

[0022] A still further object of the invention is to provide a method for the manufacture of hydrocarbons with decreased consumption of hydrogen.

[0023] A still further object of the invention is to provide an industrially applicable catalytic method for the manufacture of hydrocarbons from renewable sources, utilising the decarboxylation/decarbonylation reaction.

[0024] Characteristic features of the method according to the invention are provided in the claims.

[0025] Here decarboxylation/decarbonylation is understood to mean the removal of carboxyl oxygen, such as triglyceride oxygen, through CO<sub>2</sub> (decarboxylation) or through CO (decarbonylation).

[0026] Hydrodeoxygenation (HDO) of triglycerides means removal of water using hydrogen.

[0027] Here deoxygenation is understood to mean removal of carboxyl oxygen, such as triglyceride oxygen by any means previously described.

#### Summary of the invention

[0028] The present invention relates to a catalytic method for the manufacture of hydrocarbons, which are suitable for diesel fuel pool, from renewable sources, such as plant and vegetable oils and fats and animal and fish oils and fats. The invention concerns the transformation of the starting materials comprising fatty acids, derivatives of fatty acids, such as esters of fatty acids as well as triglycerides of fatty acids, or metal salts of fatty acids, or combinations of thereof, into hydrocarbons with minimal consumption of hydrogen, by contacting the starting material with a heterogeneous catalyst comprising at least one metal selected from the metals belonging to the group VIII of the Periodic Table. The hydrocarbon product formed via the decarboxylation/decarbonylation reaction has one carbon atom less than the original fatty acid or fatty acid portion of its derivate.

## Detailed description of the invention

[0029] It has now been surprisingly found that the deoxygenation of starting materials originating from renewable sources can be achieved by using an alternative reaction route - decarboxylation/decarbonylation, where oxygen is removed in the form of CO and CO<sub>2</sub> from the original compounds in the starting material/feedstock. In this way hydrocarbons can be manufactured from plant and vegetable oils and fats as well as animal and fish oils and fats without high consumption of hydrogen.

[0030] The present invention is particularly directed to a method for the manufacture of hydrocarbons in the diesel fuel distillation range from renewable sources. The reaction conditions and the catalyst employed in the decarboxylation/decarbonylation process of bio-oils are essential for the invention. Under suitable conditions, hydrogen is required only for the reduction of the catalyst. Consequently, the consumption of hydrogen can be decreased significantly. The method may also comprise an optional catalyst pre-treatment step. Additionally the method may comprise an optional isomerization step.

[0031] The method according to the invention comprises the steps wherein a feedstock originating from renewable sources and optionally a solvent or a mixture of solvents are brought into contact with an optionally pre-treated heterogeneous catalyst selected from supported catalysts containing one or more Group VIII metals, and a decarboxylation/decarbonylation reaction is carried out at a temperature of 200 - 400°C, preferably 250 - 350°C under a pressure from atmospheric pressure to 15 MPa, preferably of 0.1-5 MPa to yield as a product a mixture of linear hydrocarbons, preferably linear paraffins boiling in the range of 180 - 350°C, the diesel fuel range, and having one carbon atom less than the original fatty acid chain.

[0032] The heterogeneous catalyst is optionally pre-treated with hydrogen at a temperature of 100 - 500°C, preferably 150 - 250°C. The pre-treatment of the heterogeneous catalyst is preferable as it ensures the activity of the catalyst.

[0033] The decarboxylation/decarbonylation reaction is carried out in liquid phase, thus the reaction pressure is higher than the saturation vapour pressure of the feedstock at a given reaction temperature. The reaction pressure ranges from atmospheric pressure to 15 MPa, taking into consideration the properties of the feedstock.

[0034] Optionally a gas flow comprising an inert gas such as nitrogen, helium or argon, hydrogen or combinations thereof may be used for removing gaseous products formed during the reaction.

[0035] The obtained product, hydrocarbon mixture, is optionally isomerized in order to convert further the obtained hydrocarbons to isomerized hydrocarbons with improved cold properties, such as cloud point and pour point.

[0036] In the isomerization step, the pressure varies in the range of 2-15 MPa, preferably in the range of 3-10 MPa and the temperature varies between 200 and 500 °C, preferably between 280 and 400 °C. In the isomerization step, isomerization catalysts known in the art may be used. Suitable isomerization catalysts contain a molecular sieve and/or a metal selected from Group VIII of the Periodic Table and/or a carrier. Preferably, the isomerization catalyst contains SAPO-11 or SAPO-41 or ZSM-22 or ZSM-23 or ferrierite and Pt, Pd or Ni and Al<sub>2</sub>O<sub>3</sub> or SiO<sub>2</sub>. Typical isomerization catalysts are, for example, Pt/SAPO-11/Al<sub>2</sub>O<sub>3</sub>, Pt/ZSM-22/Al<sub>2</sub>O<sub>3</sub>, Pt/ZSM-23/Al<sub>2</sub>O<sub>3</sub> and Pt/SAPO-11/SiO<sub>2</sub>. An isomerized product, which is a mixture of branched hydrocarbons and preferably branched paraffins boiling in the range of 180 - 350°C, the diesel fuel range, and having one carbon atom less than the original fatty acid chain, is obtained. Additionally some gasoline and gas may be obtained.

## Starting material

[0037] The starting material or feedstock originates from renewable sources, such as fats and oils from plants and/or animals and/or fish and compounds derived from them, also known as bio-oils. Examples of suitable bio-oils are plant and vegetable oils and fats, animal fats and oils, fish fats and oils, and mixtures thereof containing fatty acids and/or fatty acid esters. Particularly suitable materials are wood-based and other plant-based and vegetable-based fats and oils such as rapeseed oil, colza oil, canola oil, tall oil, sunflower oil, soybean oil, hempseed oil, olive oil, linseed oil, mustard oil, palm oil, peanut oil, castor oil, coconut oil, as well as fats contained in plants bred by means of gene manipulation, animal-based fats such as lard, tallow, train oil, and fats contained in milk, as well as recycled fats of the food industry and mixtures of the above.

[0038] Preferably the feedstock comprises C8 - C24 fatty acids, derivatives of said fatty acids, such as esters of fatty acids as well as triglycerides of fatty acids, metal salts of said fatty acids, or combinations of thereof. The fatty acids or fatty acid derivatives, such as esters may be produced via hydrolysis of bio-oils or by their fractionalization, or by esterification reactions of triglycerides. Suitably triglyceride fractions of rapeseed oil, linseed oil, sunflower oil, tallow and lard and fractions of tall oil are used as the feedstock.

[0039] The hydrocarbon products obtained utilizing the method according to the invention have one carbon atom less than the original fatty acid or the fatty acid fraction of its derivate in the starting material.

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### Reaction conditions

5 [0040] The decarboxylation/decarbonylation reaction conditions may vary with the feedstock used. The reaction is carried out in liquid phase. The reaction is carried out at a temperature of 200 - 400°C, preferably 250 - 350°C. The reaction may be conducted under atmospheric pressure. However, in order to maintain the reactants in the liquid phase it is preferable to use higher pressure than the saturation vapour pressure of the feedstock at a given reaction temperature and thus the reaction pressure ranges from atmospheric pressure to 15 MPa and preferably from 0.1 to 5 MPa, depending on the properties of starting material.

### 10 Solvent

[0041] The optional solvent is selected from the group consisting of hydrocarbons, such as paraffins, isoparaffins, naphthenes and aromatic hydrocarbons in the boiling range of 150 - 350°C, and recycled process streams containing hydrocarbons, and mixtures thereof, preferably the recycled product streams obtained from the method are used.

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### Gas flow

[0042] Optionally a gas flow, which may also be called as carrier gas, comprising an inert gas such as nitrogen, helium or argon, or hydrogen or combinations thereof may be used for removing gaseous products formed during the reaction. The gas flow may be combined with the feedstock or it may be led to the reaction mixture or it may be led to different parts in the reactor. The feedstock may contain 0.1 - 40 vol. %, preferably 2 - 15 vol.% of hydrogen in order to maintain appropriate long-term catalyst activity and to prevent the formation of unsaturated products, especially in the case when esters and triglycerides are used as the starting material. Hydrogen is preferably added to the feedstock or to the reaction mixture.

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### Catalyst

[0043] The catalyst in the decarboxylation/decarbonylation reaction is a supported heterogeneous catalyst comprising at least one active metal selected from the metals belonging to the Group VIII of the Periodic Table. Suitable metals are Pt, Pd, Ni, Ir, Ru and Rh and preferable ones are Pd and Pt, supported on oxides, zeolites, mesoporous materials or carbonaceous supports, such as Al<sub>2</sub>O<sub>3</sub>, SiO<sub>2</sub>, Cr<sub>2</sub>O<sub>3</sub>, MgO, TiO<sub>2</sub> or C. Preferably the support is activated carbon or other carbonaceous support. Structured catalyst supports, such as carbon fibres, carbon nanotubes attached to monoliths and carbon cloths are suitable support materials as well.

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[0044] Loading of the active metal varies in the range of 0.5 - 20 wt%, preferably 2 - 8 wt%. In the case nickel is used, the loading varies in the range of 2 - 55 wt%, preferably 10 - 30 wt%.

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[0045] The reaction may be carried out in batch, semi-batch or continuous mode of reaction, in reactors such as trickle-bed, continuous tubular or continuous stirred tank reactors in order to separate the gaseous CO<sub>2</sub> and the light hydrocarbons extricated from esters and triglycerides of fatty acids. Thus the desired diesel fraction products, suitable for combustion in conventional engines, may be produced.

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[0046] The method according to the invention has several advantages. It provides a novel way for the manufacture of hydrocarbons, suitable for the use as diesel fuel or for the manufacture of diesel fuel, via decarboxylation/decarbonylation of a feedstock, particularly oxygenated feedstock, originating from renewable sources. The consumption of hydrogen in the method is low, the reaction temperature is sufficiently low when compared to thermal non-catalytic processes and thus no undesired decomposition of the feedstock was observed. Hydrogen, which is currently almost exclusively produced from fossil fuels, is only needed for the optional pre-treatment of the catalyst; however, it may be present also in the reactant stream in low concentrations. It is not consumed in side reactions or in direct reduction of carboxylic groups. Undesired side reactions, such as cracking, are negligible.

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[0047] Further, in the method according to the invention, the oxygenated feedstock, such as C8 - C24 fatty acids, as well as derivatives of fatty acid such as esters of fatty acids, triglycerides of fatty acids, or metal salts of said fatty acid are converted to the desired hydrocarbons with high selectivity. The hydrocarbon product has one carbon atom less than original fatty acid or fatty acid portion of its derivative. The structure of the obtained hydrocarbon product corresponds to the main chain of the starting material.

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[0048] No hazardous solvents are used in the method and neither hazardous waste is formed. Carbon dioxide released during the process originates from renewable sources and thus its production does not contribute on greenhouse effect.

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[0049] Conducting of the reaction in a liquid phase is preferential and brings several advantages over a gas phase reaction. A gas phase reaction requires high reaction temperature in order to vaporize feedstock, which causes decomposition of high-boiling compounds and supports endothermic side reactions as well as deactivation due to sintering and fouling. Maintaining of the reactants in liquid phase yields also more feasible process control.

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[0050] The invention is illustrated in the following with examples presenting some preferable embodiments of the invention. However, it is evident to a man skilled in the art that the scope of the invention is not meant to be limited to these examples.

### 5 Examples

#### Example 1

##### Decarboxylation of stearic acid

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[0051] Series of experiments were carried out in a Parr autoclave equipped with a heating mantle, stirrer, baffles and bubble-unit. 1 g of a catalyst, presented in table 1 below, was placed into the autoclave and pre-treated under hydrogen flow at a temperature of 200 °C. After the pre-treatment, 85 g of dodecane (solvent) and 4.5 g of stearic acid were fed into the reactor. The reaction temperature was kept at 300 °C, while passing helium gas through the reactor. The reactor pressure of 0.8 MPa maintained the reactants and products in liquid phase with the exception of CO<sub>2</sub>, which was removed with helium gas acting as carrier gas, from the reactor. The conversions of stearic acid and the selectivities towards the desired product, heptadecane, after 90 minutes of the reaction with respect to catalyst used in the reaction are also listed in table 1. From the table it can be seen that particularly preferable catalysts were Pd/C and Pt/C.

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Table 1

Catalyst	Metal loading, wt%	Conversion, %	Selectivity, mol. %
Ir/Al <sub>2</sub> O <sub>3</sub>	2	12	38
Ni/Al <sub>2</sub> O <sub>3</sub>	17	8	14
25 Ni/Cr <sub>2</sub> O <sub>3</sub>	60	5	22
Ni/SiO <sub>2</sub>	6	10	16
Pd/Al <sub>2</sub> O <sub>3</sub>	5	12	38
Pd/C	10	25	78
30 Pd/C	5	100	97
Pd/C	1	20	64
Pt/Al <sub>2</sub> O <sub>3</sub>	5	7	26
Pt/C	5	43	95
35 Ru/C	5	4	17

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#### Example 2

##### Decarboxylation of stearic acid in the presence of a bimetallic catalyst

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[0052] In a procedure similar to the one presented in Example 1, a bimetallic catalyst, Pd(8 wt%)Pt(2 wt%)/C, was used. After 90 minutes of reaction 40 mol. % of stearic acid was converted with the selectivity of 83 mol. % towards n-heptadecane formation.

#### 45 Example 3

##### Decarboxylation of stearic acid in the presence of different gases

[0053] In the reaction apparatus described in Example 1, a set of three experiments was performed. In all cases, 1 g of the catalyst (Pd(5 wt%)/C) was charged into the reactor, followed by its reduction under hydrogen flow at 200 °C. 45 g of stearic acid and 40 g of dodecane were subsequently fed into the reactor. During the reactions carried out at 300 °C, reactor pressure of 1.9 MPa was maintained by helium gas, a gas mixture of hydrogen (5 vol. %) and argon (95 vol. %), and hydrogen gas, respectively, in the individual experiments. The conversions of stearic acid and selectivities towards n-heptadecane are listed in the following table 2. From table 2 it can be seen that a mixture of hydrogen (5 vol. %) with an inert gas yields a high selectivity.

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Table 2

Gas	Reaction time, min	Conversion, %	Selectivity, mol. %
Helium	300	41	83
Hydrogen	360	49	94
Hydrogen (5 vol. %) + argon (95 vol. %)	360	62	93

Example 4

Decarboxylation of ethyl stearate

[0054] In the reaction apparatus described in Example 1, another set of three experiments was run. In all cases, 1 g of the catalyst (Pd (5 wt%)/C) was charged into the reactor followed by its reduction under hydrogen flow at 200 °C. 50 g of ethyl stearate and 40 g of dodecane were subsequently fed into the reactor. During the reactions performed at 300 °C, 330 °C, and 360 °C reactor pressures of 1.9 MPa, 2.3 MPa, and 2.9 MPa, respectively, were maintained by gas mixture comprising hydrogen (5 vol. %), and argon (95 vol. %). The conversions of ethyl stearate and selectivities towards n-heptadecane formation are listed in the following table 3.

Table 3

Reaction temperature, °C	Reactor pressure, bar	Conversion, %	Selectivity, mol. %
300	18	33	74
330	22	66	71
360	28	100	76

Example 5

Decarboxylation of behemic acid and nonanoic acid

[0055] In a procedure similar to the one in Example 3.54 g of behemic acid (purity 89 %) and 45 g of dodecane were placed into the reactor. The conversion of 45 % and selectivity of 90 mol.% towards n-heneicosane formation were achieved after six hours of reaction at 300 °C and under a reactor pressure of 1.9 MPa of hydrogen (5 vol. %) - argon (95 vol. %) gas mixture. Similarly, nonanoic acid was used as the reactant. The reaction proceeded with comparable yield of the decarboxylation product, octadecane.

Example 6

Decarboxylation of glycerol tristearate

[0056] In a procedure similar to the one in Example 3.47 g of glycerol tristearate and 45 g of dodecane were charged into the reactor. During the reaction conducted at 360 °C, reactor pressure of 4.2 MPa was maintained by a flow of a gas mixture comprising hydrogen (5 vol. %) - argon (95 vol.%). Only traces of glycerol tristearate (0.08 wt%) were identified in the liquid phase after six hours reaction time. C17 - hydrocarbon fraction formed 64 wt% of liquid products, based on GPC analyses. n-Heptadecane was the main product in the mixture of C17-hydrocarbon isomers.

Example 7

Isomerization of n-paraffins formed during decarboxylation/decarbonylation

[0057] Paraffinic feed, containing 94 wt-% of C15-C18 n-paraffins, was isomerized with an isomerization catalyst at 340 °C and 60 bar in a fixed bed reactor. Hydrogen was fed to the reactor 600 1/(1 oil feed). The isomerization catalyst was a platinum-based commercial catalyst. The product of isomerization contained 67 wt-% of C15-C18 isoparaffins. The cloud point of the product was -12 °C, compared to 26 °C for the n-paraffin feed.

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### Claims

1. A method for the manufacture of hydrocarbons, **characterized in that** the method comprises the steps wherein a feedstock originating from renewable sources and optionally a solvent or a mixture of solvents are brought into contact with an optionally pre-treated heterogeneous catalyst selected from supported catalysts containing one or more Group VIII metals, and a decarboxylation/decarbonylation reaction is carried out at a temperature of 200 - 400°C, preferably 250 - 350°C under a pressure from atmospheric pressure to 15 MPa, preferably of 0.1-5 MPa to yield as a product a mixture of hydrocarbons.
2. The method according to claim 1, **characterized in that** the heterogeneous catalyst is pre-treated with hydrogen at a temperature of 100 - 500°C, preferably 150 - 250°C before contacting it with the feedstock.
3. The method according to claim 1 or 2, **characterized in that** the product is isomerized under a pressure in the range of 2-15 MPa, preferably 3-10 MPa and at a temperature between 200 and 500 °C, preferably between 280 and 400 °C in the presence of an isomerization catalyst.
4. The method according to any one of claims 1 - 3, **characterized in that** the decarboxylation/decarbonylation reaction is carried out in liquid phase.
5. The method according to any one of claims 1 - 4, **characterized in that** the renewable sources are fats and oils from plants and/or animals and/or fish and compounds derived therefrom.
6. The method according to any one of claims 1 - 5, **characterized in that** the feedstock is selected from wood-based, plant-based and vegetable-based fats and oils, fats contained in plants bred by means of gene manipulation, animal-based fats and oils, fish based fats and oils and recycled fats of the food industry and mixtures thereof.
7. The method according to any one of claims 1 - 6, **characterized in that** the feedstock is selected from rapeseed oil, colza oil, canola oil, tall oil, sunflower oil, soybean oil, hempseed oil, olive oil, linseed oil, mustard oil, palm oil, peanut oil, castor oil, coconut oil, lard, tallow, train oil, and fats contained in milk.
8. The method according to any one of claims 1 - 7, **characterized in that** the feedstock comprises triglyceride fractions of rapeseed oil, linseed oil, sunflower oil, tallow and lard, or fractions of tall oil.
9. The method according to any one of claims 1 - 8, **characterized in that** the feedstock comprises fatty acids or derivatives of fatty acids, preferably esters produced by hydrolysis, or by esterification reactions of triglycerides of fatty acids, or metal salts of fatty acids, or combinations thereof.
10. The method according to any one of claims 1 - 9, **characterized in that** the Group VIII metals are metals are platinum, palladium, nickel, iridium, ruthenium and rhodium and preferably platinum and palladium.
11. The method according to any one of claims 1 - 10, **characterized in that** the heterogeneous catalyst is supported on oxides, zeolites, mesoporous materials, carbonaceous supports or structured catalyst supports.
12. The method according to claim 11, **characterized in that** the catalyst is supported on Al<sub>2</sub>O<sub>3</sub>, SiO<sub>2</sub>, Cr<sub>2</sub>O<sub>3</sub>, MgO, TiO<sub>2</sub>, C, carbon fibres, carbon nanotubes attached to monoliths or carbon cloths, preferably on activated carbon or other carbonaceous support.
13. The method according to any one of claims 1 - 12, **characterized in that** the solvent is selected from the group consisting of hydrocarbons, preferably paraffins, isoparaffins, naphthens and aromatic hydrocarbons in the boiling range of 150 - 350°C and recycled process streams containing hydrocarbons and combinations thereof.
14. The method according to any one of claims 1 - 13, **characterized in that** 0.1 - 40 vol. %, preferably 2-15 vol. % of hydrogen is added to the feedstock.
15. The method according to any one of claims 9 - 14, **characterised in that** the fatty acids are C8 - C24 fatty acids.



European Patent  
Office

EUROPEAN SEARCH REPORT

Application Number  
EP 05 07 5068

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	GB 1 524 781 A (INDIAN SPACE RESEARCH ORGANISATION) 13 September 1978 (1978-09-13) * page 1, column 1, lines 11-14 * * page 2, line 32 - line 45 * * page 5, lines 43,45 * * tables 1,2 * -----	1-15	C10G3/00
A	EP 1 489 157 A (FRAUNHOFER-GESELLSCHAFT ZURFOERDERUNG DER ANGEWANDTEN FORSCHUNG E.V) 22 December 2004 (2004-12-22) * paragraphs [0008], [0018] * * claims *	1-15	
A	US 5 233 109 A (CHOW ET AL) 3 August 1993 (1993-08-03) * column 1, line 5 - line 16 * * examples *	1-15	
A	DE 33 40 711 A1 (HONDA GIKEN KOGYO K.K) 27 September 1984 (1984-09-27) * claim 1 * * example 1 * -----	1-15	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			C10G
The present search report has been drawn up for all claims			
Place of search		Date of completion of the search	Examiner
The Hague		8 June 2005	O'Sullivan, P
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

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EP 1 681 337 A1

ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.

EP 05 07 5068

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.  
The members are as contained in the European Patent Office EDP file on  
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08-06-2005

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
GB 1524781	A	13-09-1978	IN	143962 A1	04-03-1978
-----					
EP 1489157	A	22-12-2004	DE	10327059 A1	20-01-2005
			EP	1489157 A1	22-12-2004
-----					
US 5233109	A	03-08-1993	GB	2237815 A ,B	15-05-1991
-----					
DE 3340711	A1	27-09-1984	JP	1388128 C	14-07-1987
			JP	59108088 A	22-06-1984
			JP	61058510 B	11-12-1986
			BR	8306186 A	12-06-1984
			IN	160770 A1	01-08-1987
			PH	19755 A	26-06-1986
-----					

EPO FORM P0459

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

**PCT**

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference H0018759-01	<b>FOR FURTHER ACTION</b>	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. <b>PCT/US2009/037072</b>	International filing date ( <i>day/month/year</i> ) <b>13 MARCH 2009 (13.03.2009)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 17 MARCH 2008 (17.03.2008)
Applicant <b>UOP LLC et al</b>		

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. 1

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/US2009/037072****A. CLASSIFICATION OF SUBJECT MATTER***C10G 67/02(2006.01)i, C10G 5/00(2006.01)i, C10L 1/08(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)

C10G 67/02; C10G 3/00; C10L 1/00; C10L 1/14; C10L 1/32; C23G 1/06

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) &amp; Keywords:"diesel", "aviation", "renewable", "fatty acid", "hydrognating", "deoxygenating", "isomerizing", "hydrocracking"

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2005-0268530 A1 (BREWER, M., et al.) 08 December 2005 See abstract, claims	1-10
A	US 2006-0229222 A1 (MULLER, D., et al) 12 October 2006 See abstract, claims	1-10
A	US 6080211 A1 (Igen, Inc.) 27 June 2000 See abstract, claims	1-10
A	EP 1681337 A1 (NESTE OIL OYJ) 19 July 2006 See abstract, claims	1-10

 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

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"&amp;" document member of the same patent family

Date of the actual completion of the international search

06 JANUARY 2010 (06.01.2010)

Date of mailing of the international search report

**07 JANUARY 2010 (07.01.2010)**

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**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2009/037072**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2005-0268530 A1	08.12.2005	AT 355350 T	15.03.2006
		AU 2003-251013 A1	23.02.2004
		CA 2494855-A1	12.02.2004
		EP 1546290 A1	29.06.2005
		ES 2282680 T3	16.10.2007
		JP 2005-534764 A	17.11.2005
		KR 10-2005-0052460 A	02.06.2005
		NZ538622A	29.06.2007
		RU2005105571A	27.07.2006
		WO 2004-013259 A1	12.02.2004
US 2006-0229222 A1	12.10.2006	None	
US 6080211 A1	27.06.2000	AU 2000-34947 A1	17.02.2000
		CA 2362880-A1	24.08.2000
		EP 1159377 A1	05.12.2001
		JP 2002-537438 A	05.11.2002
		WO 2000-049108 A1	24.08.2000
EP 1681337 A1	19.07.2006	CA 2593277-A1	20.07.2006
		KR 10-2007-0094913 A	27.09.2007
		WO 2006-075057 A2	20.07.2006



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/402,873	03/12/2009	Amarendra Anumakonda	H0018759-01	8608
23490	7590	10/28/2010	EXAMINER CALDAROLA, GLENN A	
HONEYWELL/UOP PATENT SERVICES 101 COLUMBIA DRIVE P O BOX 2245 MAIL STOP AB/2B MORRISTOWN, NJ 07962			ART UNIT	PAPER NUMBER
			1771	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2010	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.

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October 27, 2010

In re application of	:	DECISION ON REQUEST TO
Amarendra Anumakonda et al.	:	PARTICIPATE IN PATENT
Serial No. 12/402,873	:	PROSECUTION HIGHWAY
Filed: March 12, 2009	:	PROGRAM AND
For: CONTROLLING PRODUCTION OF	:	PETITION TO MAKE SPECIAL
TRANSPORTATION FUELS FROM	:	UNDER 37 CFR 1.102(a)
RENEWABLE FEEDSTOCKS	:	

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 October 01, 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, KIPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 12/402,873

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 Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/402,878	03/12/2009	Susumu Iida	339609US2X	8622
22850	7590	10/07/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			TON, TRI T	
			ART UNIT	PAPER NUMBER
			2877	
			NOTIFICATION DATE	DELIVERY MODE
			10/07/2010	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):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

*In re* Application of Susumu Iida et al. :  
Appl. No.: 12/402,878 :  
Filed: March 12, 2009 :  
Attorney Docket No.: 339609US2X :  
For: MASK INSPECTION APPARATUS :

DECISION ON PETITION  
UNDER 37 C.F.R. § 1.59

This is a decision on the petition under 37 C.F.R. § 1.59(b), filed June 9, 2010, to expunge information filed inadvertently from the above-identified application.

The petition is GRANTED.

Petitioner requests that the Information Disclosure Statement (IDS) filed electronically May 24, 2010 (EFS ID # 7673331), be expunged from the record. Petitioner asserts that the IDS contains Japanese Office Actions and references that were intended for a different application but were inadvertently submitted in the instant application.

Pursuant to M.P.E.P. § 724.05. III., "37 CFR 1.59(b) also covers the situation where an unintended heading has been placed on papers so that they are present in an incorrect application file. In such a situation, a petition should request that the papers be expunged ... The grant of such a petition will be governed by the factors enumerated in paragraph II of this section in regard to the unintentional submission of information..."

Pursuant to M.P.E.P. § 724.05.II. information unintentionally submitted may be expunged from the file record provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

The petition satisfies the conditions for a grantable petition to expunge information unintentionally submitted in the application under M.P.E.P. § 724.05. III.

For the above-stated reasons, the petition to expunge is granted. The information submitted with the IDS on May 24, 2010 has been removed from the official file record.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



---

Richard K. Seidel, TC Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/402,884, inventor Kiyoshi MORIMOTO, and examiner JAGANNATHAN, VASUDEVAN SALEM.

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



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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.

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: Mimi Farmer
Patent Publication Branch
Office of Data Management

Administrative stamp: RECEIVED 12/18/2010, with associated fees and dates.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/402,965	03/12/2009	Robert P. Morris	I547/US	8770
49277	7590	09/19/2011	EXAMINER	
SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			TANG, KAREN C	
			ART UNIT	PAPER NUMBER
			2447	
			MAIL DATE	DELIVERY MODE
			09/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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Scenera Research, LLC  
Jenkins, Wilson, Taylor & Hunt, P.A.  
5400 Trinity Road  
Suite 303  
Raleigh NC 27607

**MAILED**

SEP 19 2011  
DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

*In re* Application of:  
Morris  
Appl. No.: 12/402,965  
Filed: March 12, 2009  
For: **METHODS, SYSTEMS, AND COMPUTER PROGRAM  
PRODUCTS FOR REPORTING A CHANGE IN  
PRESENTABLE CONTENT OF A COMMUNICATION  
MESSAGE**

:  
:  
:  
:  
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DECISION ON PETITION  
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on August 23, 2011. This is the third petition for suspension.

The petition is **GRANTED**.

Pursuant to applicant's request filed on August 23, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of six (6) months from the mailing of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Christopher Grant whose telephone number is (571) 272-7294.

/Christopher Grant/  
Christopher Grant, WQAS  
Technology Center 2400



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/403,085	03/12/2009	Naoki Nakamura	339584US2	8980

22850	7590	01/07/2011
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER	
MANCHO, RONNIE M	

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
01/07/2011	ELECTRONIC

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdoCKET@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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MICHAEL BEST & FRIEDRICH LLP  
100 E WISCONSIN AVENUE  
Suite 3300  
MILWAUKEE WI 53202

In re application of : **DECISION ON REQUEST TO**  
Viegas et al. : **PARTICIPATE IN PATENT**  
Application No. 12/403,085 : **PROSECUTION HIGHWAY**  
Filed: September 19, 2007 : **PROGRAM AND PETITION**  
For: WALL CONSTRUCTION : **TO MAKE SPECIAL UNDER**  
FOR INSULATED ENCLOSURE : **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 17, 2010, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT.**

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that examination of the U.S. application has already begun. A non-final rejection was mailed December 30, 2010.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

          / Mikado Buiz /  
Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

BM/BM: 01/06/11



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/403,085	03/12/2009	Naoki Nakamura	339584US2	8980
22850	7590	01/21/2011	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			MANCHO, RONNIE M	
			ART UNIT	PAPER NUMBER
			3664	
			NOTIFICATION DATE	DELIVERY MODE
			01/21/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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OBLON, SPIVAK, MCCLELLAND  
MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA 22314

In re application of : **DECISION ON REQUEST TO**  
Nakamura et al. : **PARTICIPATE IN PATENT**  
Application No. 12/403,085 : **PROSECUTION HIGHWAY**  
Filed: March 12, 2009 : **PROGRAM AND PETITION**  
For: NUMERICAL CONTROL APPARATUS : **TO MAKE SPECIAL UNDER**  
AND NUMERICAL CONTROL METHOD : **37 CFR 1.102(a)**

This is a replacement decision of the letter mailed 1/7/2011 on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot 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: 1/19/11



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/403,085	03/12/2009	Näoki Nakamura	339584US2	8980

22850 7590 02/21/2012  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
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ALEXANDRIA, VA 22314

EXAMINER

MANCHO, RONNIE M

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
02/21/2012	ELECTRONIC

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patentdoCKET@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, LLP  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

In re Application of Naoki Nakamura et al. : DECISION ON PETITION  
Appl. No. 12/403,085 : FILED UNDER 37 CFR 1.181 (a) (3)  
Filed: March 12, 2009 : OF INFORMATION DISCLOSURE  
STATEMENT

For: NUMERIC CONTROL APPARATUS AND NUMERICAL CONTROL METHOD

This is a decision on Applicant's Petition filed on February 01, 2012 under 37 CFR 1.181 to request for the consideration of preliminary amended claims 1-5 filed on November 17, 2010.

The Petition is **DISMISSED**.

On November 17, 2011 the Office mailed a Notice of Allowance for claims 1 to 4. On February 01, 2012 Applicant filed a petition to request for the consideration of preliminary amended claims 1 to 5 filed on November 17, 2010. In the petition, Applicant indicated that claim 5 within the preliminary amendment was not included in the Notice of Allowance mailed on November 17, 2011.

Upon review of the record, on February 16, 2012 a Corrected Notice of Allowance was mailed to indicate that claims 1 to 5 are allowed. The information Disclosure Statements from 01/11/11, 03/18/10, and 03/12/09 were also indicated as being considered within the Corrected Notice of Allowance. In view of the mailed Corrected Notice of Allowance, Applicant's petition under 37 CFR 1.181 to request for the consideration of preliminary amended claims 1-5 is moot.

Any questions regarding this decision should be directed to Khoi Tran at 571-272-6919.

Kathy Matecki, Director  
Technology Center 3600  
571-272-5250



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/403,085	03/12/2009	Naoki Nakamura	339584US2	8980
22850	7590	03/07/2012	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.			MANCHO, RONNIE M	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			3664	
			NOTIFICATION DATE	DELIVERY MODE
			03/07/2012	ELECTRONIC

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, LLP  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

In re Application of Naoki Nakamura et al. : DECISION ON PETITION  
Appl. No. 12/403,085 : FILED UNDER 37 CFR 1.181 (a) (3)  
Filed: March 12, 2009 : For SUPERVISORY REVIEW  
For: NUMERICAL CONTROL APPARATUS AND  
NUMERICAL CONTROL METHOD

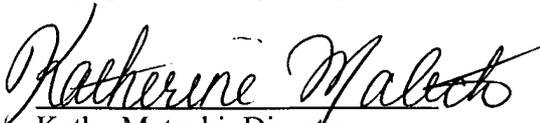
This is a decision on applicant's petition filed on February 1, 2012 under 37 CFR 1.181 to request the consideration of preliminary amended claims 1-5, filed on November 17, 2010.

The Petition is **DISMISSED** as **MOOT**.

On November 17, 2011 the Office mailed a Notice of Allowability indicating the allowability of claims 1 to 4. On February 1, 2012, applicant filed a petition to request the consideration of preliminary amended claims 1 to 5 filed on November 17, 2010. In the petition, applicant indicated that claim 5 within the preliminary amendment was not included in the Notice of Allowability mailed on November 17, 2011.

Upon review of the record, it is seen that on February 16, 2012, a corrected Notice of Allowability was mailed which indicated that claims 1 to 5 were allowed. The Information Disclosure Statements from January 11, 2011, March 18, 2010, and March 12, 2009 were also indicated as being considered within this corrected Notice of Allowability. In view of the mailed corrected Notice of Allowability, applicant's petition under 37 CFR 1.181 to request the consideration of preliminary amended claims 1-5 is now moot.

Any questions regarding this decision should be directed to Khoi Tran at 571-272-6919.

  
Kathy Matecki, Director  
Technology Center 3600  
571-272-5250

KT/snm: 2/17/12





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300 S. WACKER DR  
25<sup>TH</sup> FLOOR  
CHICAGO, IL 60606

**MAILED**

**JUN 17 2011**

In re Patent No. 7,871,718 :  
Issue Date: January 18, 2011 :  
Application No. 12/403,215 : **OFFICE OF PETITIONS**  
Filed: March 12, 2009 : **DECISION ON PETITION**  
Attorney Docket No. 0941.83965 :

This is a decision on the petition filed May 19, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **DISMISSED**.

Petitioner states that the original Letters Patent was never received.

The Office follows the guidelines set forth in MPEP § 711.03(c) (*see also* "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of an Office action (in this case, the Letters Patent), there is a strong presumption that the Office action (Letters Patent) was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Letters Patent was not in fact received. In this regard, the showing required to establish the failure to receive the Letters Patent must consist of the following:

1. a statement from practitioner stating that the Letters Patent 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 Letters Patent was not received; and
3. a copy of the docket record where the nonreceived Letters Patent would have been entered had it been received must be attached to and referenced in the practitioner's statement.

The petition is not accompanied by the evidence required to establish nonreceipt of the original Letters Patent. Office records reflect that the Letters Patent was mailed to the address of record.

In view of the above, the petition fails to provide the necessary evidence to establish nonreceipt of the Letters Patent. Accordingly, the petition for issuance of a duplicate Letters Patent under 37 CFR 1.181 cannot be granted at this time.

If petitioner cannot supply the evidence necessary to establish nonreceipt of the original Letters Patent, or simply does not wish to, petitioner may file a petition under 37 CFR 1.182, requesting issuance of a duplicate Letters Patent. The \$400 received on May 19, 2011 can be applied toward the petition under 37 CFR 1.182.

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  
                                  Attn: Office of Petitions

By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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CHICAGO, IL 60606

**MAILED**  
**AUG 01 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 7,871,718 :  
Issue Date: January 18, 2011 :  
Application No. 12/403,215 : DECISION ON PETITION  
Filed: March 12, 2009 :  
Attorney Docket No. 0941.83965 :

This is a decision on the petition filed July 15, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

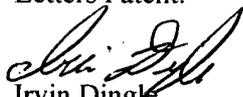
Petitioner states that the original Letters Patent was never received.

The required showing to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication (in this case, the original Letters Patent) was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received. A copy of the docket record where the nonreceived Letters Patent would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP § 711.03(c) and 1156 Official Gazette 53 (November 16, 1993).

The petition is accompanied by the evidence required to establish nonreceipt of the original Letters patent. Accordingly, Publishing Division is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (571) 272-8681.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Niomi Farmer, RSQ, 9<sup>th</sup> Floor, Room D30-B (Fax No. 571-270-9753)



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SAWYER LAW GROUP, P.C.  
P.O. BOX 51418  
PALO ALTO, CA 94303

**MAILED**  
**DEC 02 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Mimar, Tibet	:	DECISION ON PETITION
Application No. 12/403,221	:	TO WITHDRAW
Filed: March 12, 2009	:	FROM RECORD
Attorney Docket No. 4364C	:	

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 November 10, 2010.

The request is **DISMISSED**.

A review of the file record indicates that the attorneys/agents associated with Customer Number 29141: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner was never given power of attorney but is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation.

All future correspondence will continue to be directed to the correspondence address listed below.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: TIBET MIMAR  
385 VIA LOMA  
MORGAN HILL CA 95037



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HOWISON & ARNOTT, LLP  
PO BOX 741715  
DALLAS, TX 75374-1715

**MAILED**  
**JUN 13 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Mark Plagens, et al. :  
Application No. 12/403,235 : DECISION GRANTING PETITION  
Filed: March 12, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. MXIM-29,345 MAXM- :  
0567 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 9, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on June 3, 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.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2858 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> *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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DANISCO US INC  
ATTENTION: LEGAL DEPARTMENT  
925 PAGE MILL RD  
PALO ALTO CA 94304

**MAILED**

**JUN 20 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Day, et al. :  
Application No. 12/403,272 : ON PETITION  
Deposited: March 12, 2009 :  
Attorney Docket No. GC817-2-D1 :

This is in response to the "PETITION FOR INCORPORATION BY REFERENCE UNDER 37 C.F.R. 1.57(a)", filed October 29, 2010, which is being treated as a petition under 37 CFR 1.53(e)(2).

Application papers in the above-identified application were deposited on March 12, 2009. However, on August 31, 2010, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. Applicants request that the application be accorded the filing date of March 12, 2009, based on a claim to priority to application No. 10/984,270 present in the ADS submitted on filing.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

[i]f an application was filed on or after September 21, 2004, and 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 omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

To the extent the instant petition requests a filing date of March 12, 2009 with no drawings present in the application on filing, the petition is **GRANTED**.

Given the basis for granting this petition, the \$400 petition fee has been refunded to Deposit Account No. 07-1048.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to March 12, 2009;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.



Chris Bottorff  
Petitions Examiner  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 3-15-12

TO SPE OF : ART UNIT 2163

SUBJECT : Request for Certificate of Correction for Appl. No.: 12403328 Patent No.: 8108391

CofC mailroom date: 3-1-12

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D40-E  
Palm Location 7580**

Note:     

**Omega Lewis**  
**703-756-1575**

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes do not apply.

**Denied**

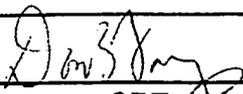
State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

  
\_\_\_\_\_  
**SPE**

2163  
\_\_\_\_\_  
**Art Unit**



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**HAMILTON, BROOK, SMITH & REYNOLDS, P.C.**  
**530 VIRGINIA ROAD**  
**P.O. BOX 9133**  
**CONCORD MA 01742-9133**

**MAILED**  
**JAN 31 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Taylor S. GAUTIER :  
Application No. 12/403,343 : **DECISION ON PETITION**  
Filed: March 12, 2009 : **UNDER 37 CFR 1.78(a)(6)**  
Attorney Docket No. IMS 05-11-C3 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 06, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on March 12, 2009, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/097,333, which was filed on August 20, 1998, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would

not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

As authorized, the \$1,410.00 fee required by 37 CFR 1.78(a)(6)(ii) has been charged to petitioner's Deposit Account.

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 Michelle R. Eason at (571) 272-4231.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



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**HAMILTON, BROOK, SMITH & REYNOLDS, P.C.**  
**530 VIRGINIA ROAD**  
**P.O. BOX 9133**  
**CONCORD MA 01742-9133**

**MAILED**

**JUN 06 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Taylor S. GAUTIER :  
Application No. 12/403,343 : DECISION ON PETITION  
Filed: March 12, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. IMS 05-11-C3 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 17, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

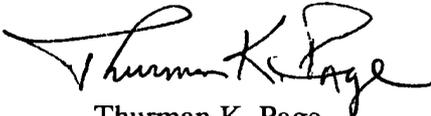
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. 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 2196 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



Thurman K. Page  
Petitions Examiner  
Office of Petitions

**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. Values: 12/403,343, 03/12/2009, 2196, 1090, IMS 05-11-C3, 19, 3

CONFIRMATION NO. 9512

CORRECTED FILING RECEIPT



21005
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

Date Mailed: 06/06/2011

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)

Taylor S. Gautier, Oakland, CA;

Assignment For Published Patent Application

MOUNT HAMILTON PARTNERS, LLC, Mountain View, CA

Power of Attorney: The patent practitioners associated with Customer Number 021005

Domestic Priority data as claimed by applicant

This application is a CON of 11/533,312 09/19/2006 PAT 7,627,646 which is a CON of 09/312,586 05/14/1999 PAT 7,127,493

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: 03/24/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/403,343

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**Title**

Delivery of Document Versions by Selective Inclusion of Content Version Based on Selection Criteria

**Preliminary Class**

719

**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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**MAILED**

MAY 25 2011

PCT LEGAL ADMINISTRATION

Huawei Technologies Co., Ltd./Finnegan  
901 New York Avenue  
NW  
Washington DC 20001

In re Application of : DECISION ON  
Long et al :  
Application No.: 12/403,451 :  
Filing Date: 13 March 2009 : PETITION UNDER  
Attorney's Docket No.: 11005.0006 :  
For: METHOD, APPARATUS AND... PROTECTION : 37 CFR § 1.55(c)

This is in response to applicants' communication "PETITION TO CORRECT FOREIGN PRIORITY CLAIM" filed 18 January 2011, which is being treated as a petition under 37 CFR 1.55(c).

The petition under 37 CFR 1.55(c) is **DISMISSED** as MOOT.

The instant petition seeks the correction of the foreign priority claim as it was filed with the incorrect application number CN200710073029.2 rather than with the correct application number CN200710073031.X. The applicant, however, did identify the correct filing date.

It is noted that a petition and the surcharge are not required to correct the foreign application number to CN200710073031.X.

In view of the dismissal of the instant petition as moot, the \$1,410.00 fee submitted is unnecessary and will be credited to petitioner's deposit account no. 06-0916.

A corrected Filing Receipt with the corrected foreign application number CN200710073031.X accompanies this decision.

### **DECISION**

For the reasons above, the petition under 37 CFR 1.55(c) is **DISMISSED** as MOOT.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

A handwritten signature in black ink, appearing to read 'R. Bacares', is written over the printed name.

Rafael Bacares

Legal Examiner

PCT Legal Administration

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes fields for EXAMINER (KALAFUT, STEPHEN J), ART UNIT (1727), and DELIVERY MODE (ELECTRONIC).

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Tim Farmer
Patent Publication Branch
Office of Data Management


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**BIB DATA SHEET**
**CONFIRMATION NO. 9919**

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/403,565	03/13/2009	546	1625	0152-0740PUS3		
<b>APPLICANTS</b> Teiji Kimura, Tsukuba, JAPAN; Koki Kawano, Tsukuba, JAPAN; Eriko Doi, Tsukuba, JAPAN; Noritaka Kitazawa, Tsukuba, JAPAN; Mamoru Takaishi, Tsukuba, JAPAN; Koichi Ito, Tsukuba, JAPAN; Toshihiko Kaneko, Tsukuba, JAPAN; Takeo Sasaki, Tsukuba, JAPAN; Takehiko Miyagawa, Tsukuba, JAPAN; Hiroaki Hagiwara, Tsukuba, JAPAN; Yu Yoshida, Tsukuba, JAPAN;						
<b>** CONTINUING DATA *****</b>						
<b>** FOREIGN APPLICATIONS *****</b> JAPAN 2005-337963 11/24/2005 JAPAN 2006-205538 07/28/2006						
<b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **</b> 03/26/2009						
Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Met after Allowance	<b>STATE OR COUNTRY</b>	<b>SHEETS DRAWINGS</b>	<b>TOTAL CLAIMS</b>	<b>INDEPENDENT CLAIMS</b>
Verified and /NILOOFAR RAHMANI/	Examiner's Signature	Initials	JAPAN	0	30	1
<b>ADDRESS</b> BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 UNITED STATES						
<b>TITLE</b> TWO CYCLIC CINNAMIDE COMPOUND						
<b>FILING FEE RECEIVED</b> 3012	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/403,565	03/13/2009	Teiji Kimura	0152-0740PUS3	9919
2292	7590	11/23/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			RAHMANI, NILOOFAR	
			ART UNIT	PAPER NUMBER
			1625	
			NOTIFICATION DATE	DELIVERY MODE
			11/23/2011	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):

mailroom@bskb.com



UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 23 2011

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747

In re Application of: :  
Kimura et al. :  
Serial No.: 12/403,565 : PETITION DECISION  
Filed: March 13, 2009 :  
Attorney Docket No.: 0152-0740PUS3 :

This is in response to the petition under 37 CFR § 1.59(b), filed November 16, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the submission/information which is cite number "1" with the Information Disclosure Statement (IDS) filed on October 19, 2011, be expunged. Also, the PTO/SB/08 Form of the IDS is also requested to be expunged and replaced with the attached PTO/SB/08 Form.

Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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KING & SPALDING, LLP  
1100 LOUISIANA ST., STE. 4000  
ATTN.: IP Docketing  
HOUSTON TX 77002-5213

**MAILED**  
AUG 19 2010  
OFFICE OF PETITIONS

In re Application of :  
Bryant, et al. :  
Application No. 12/403,575 : DECISION ON PETITION  
Filed: March 13, 2009 : TO MAKE SPECIAL UNDER  
Attorney Docket No. 13682.117432 (LED-028748) : 37 CFR 1.102  
:

This is a decision on the petition under 37 CFR 1.102 filed July 23, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009).

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks item(s) (1) above.

A review of the record did not reveal that applicant has established small entity status under 37 CFR 1.27 in the above-identified application for which special status is sought under 37 CFR 1.102. Such is a requirement for a successful petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan. If appropriate, applicant may establish small entity status under 37 CFR 1.27 in the above-identified application and file a renewed petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
                                  Commissioner for Patents  
                                  P. O. Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    U. S. Patent and Trademark Office  
                                  Customer Service Window, Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By FAX:                    (571) 273-8300

Telephone inquiries concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at 571-272-3222.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2885 for action in its regular turn.

A handwritten signature in black ink, appearing to read "Chris Bottorff". The signature is stylized and cursive.

Chris Bottorff  
Supervisor  
Office of Petitions

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
<b>Christopher Michael Bryant et al.</b>	)	Art Unit: <b>2885</b>
	)	
Application No.: <b>12/403,575</b>	)	Confirmation No.: <b>9933</b>
	)	
Filed: <b>March 13, 2009</b>	)	Examiner: <b>Y My Quach Lee</b>
	)	
For: <b>Folding Rechargeable Worklight</b>	)	

## RENEWED PETITION UNDER 37 CFR 1.102

Mail Stop Petition  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

Sir,

This is a request for reconsideration of the Petition to Make Special (“Petition”) filed on July 23, 2010, under the Patent Application Backlog Reduction Stimulus Plan. The U.S. Patent and Trademark Office (the “Patent Office”) issued a decision mailed on August 19, 2010 (the “Decision”), dismissing the Petition for special status under the Patent Application Backlog Reduction Stimulus Plan. The sole reason stated for the dismissal of the Petition was that “a review of the record did not reveal that applicant has established small entity status under 37 CFR 1.27 in the above-identified application for which special status is sought under 37 CFR 1.102. Such is a requirement for a successful petition under 37 CFR 1.102 to make this application special under the Patent Application Backlog Reduction Stimulus Plan.” *See* Decision at p. 2.

Applicants assert that the dismissal of the petition is in error and respectfully request reconsideration and approval of the petition as filed on July 23, 2010. Applicants admit that small entity status has not been established for this application. However, the requirement to establish small entity status under the Patent Application Backlog Reduction Stimulus Plan was eliminated at least as early as June 24, 2010, almost a full month before the current Petition was filed.

I hereby certify that this correspondence is being communicated electronically via EFS Web to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 1, 2010.

/James M. Hannon/

James M. Hannon, Reg. No. 48,565

As stated by the Patent Office, the pilot program as originally created and set forth in the Federal Register on November 27, 2009, in volume 74, No. 227, pages 62285-86, included a requirement that “the application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status.” However the requirement that small entity status must be established for an application was eliminated. In volume 75, No. 121, page 36063 of the Federal Register, published on June 24, 2010, the Patent Office stated that “The USPTO is expanding the Patent Application Backlog Reduction Stimulus Plan to **permit all applicants to participate by eliminating the small entity status requirement** and adding a few new requirements in view of the expansion.” Thus the requirement by the Office of Petitions that the Petition filed on July 23, 2010, relate to an application for which small entity status had been established was erroneous.

In view of the foregoing, Applicants respectfully request that the initial dismissal of the Petition be vacated and that the Petition be granted. Applicants have attached a copy of the Petition hereto. Applicants hereby certify that requirements and statements made in the Petition are still valid as of the date of submission of this Renewed Petition including, without limitation, that the assignee of record, Cooper Technologies Company, has not filed petitions in more than 14 other applications requesting special status under this program. In addition, the Abandoned Application, U.S. Application Serial No. 11/984,117, received a Notice of Abandonment mailed on July 27, 2010, based on the Letter of Express Abandonment dated July 23, 2010. Therefore, Applicants submit that all of the requirements set forth in 37 CFR 1.102 and the November 27, 2009 and June 24, 2010 Federal Register Notices have been met in order to place this application in special status, such action is respectfully requested.

Respectfully submitted,

/James M. Hannon/

James M. Hannon  
Reg. No. 48,565

KING & SPALDING LLP  
34<sup>th</sup> Floor  
1180 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404.572.4600  
K&S Docket: 13682.117432



Both the captioned application and the Abandoned Application are owned by the same party as of October 1, 2009, Cooper Technologies Company. The Abandoned Application was assigned by inventors Jeffrey Lee Gibson and Doug Miles to Cooper Technologies Company and recorded with the Assignment Division of the U.S. Patent and Trademark Office on April 28, 2008, at Reel 020863, Frame 0152. The captioned application was assigned by inventors Christopher Michael Bryant and James Richard Christ to Cooper Technologies Company and recorded with the Assignment Division of the U.S. Patent and Trademark Office on March 13, 2009, at Reel 022392, Frame 0224.

A Declaration of Express Abandonment has been concurrently filed for the Abandoned Application, U.S. Application Serial No. 11/984,117, before it has been taken up for examination (a copy of which is attached). Therefore, Applicants respectfully submit that the Abandoned Application has been expressly abandoned. Applicants also submit that they have not and will not file an application that claims the benefit of the Abandoned Application under any provision of title 35 of the United States Code. Furthermore, Applicants agree not to request a refund of any fees paid in the Abandoned Application. Furthermore, Applicants and the assignee of record, Cooper Technologies Company, submit that they have not and will not file a new application that claims the same invention claimed in the Abandoned Application, as the term "same invention" is used in the context of statutory double patenting under 35 U.S.C. §101.

The Applicants and the assignee of record, Cooper Technologies Company, hereby certify that they have not filed petitions in more than 14 other applications requesting special status under this program. Further, Applicants and the assignee of record agree to make an election without traverse in a telephonic interview if the U.S. Patent and Trademark Office determines that the claims of the captioned application are directed to two or more independent and distinct inventions.

Applicants respectfully submit that all of the requirements set forth in 37 C.F.R. 1.102 and the Federal Register Notices have been met in order to place the present application in special status. It is therefore respectfully requested that this Petition be granted. No fee is believed to be due in accordance with the requirements as outlined in the Federal Register Notices. However, if any fees are actually due, the U.S. Patent and Trademark Office is

hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 11-0980.

Respectfully submitted,

/James M. Hannon/

James M. Hannon

Reg. No. 48,565

KING & SPALDING LLP  
34<sup>th</sup> Floor  
1180 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404.572.4600  
K&S Docket: 13682.117432



KING & SPALDING, LLP  
1100 LOUISIANA ST., STE. 4000  
ATTN.: IP Docketing  
HOUSTON TX 77002-5213

**MAILED**

**SEP 3 0 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Bryant, et al.	:	
Application No. 12/403,575	:	<b>DECISION ON PETITION</b>
Filed: March 13, 2009	:	<b>TO MAKE SPECIAL UNDER</b>
Attorney Docket No. 13682.117432 (LED-028748)	:	<b>37 CFR 1.102</b>

This is a decision on the petition under 37 CFR 1.102 filed September 1, 2010, 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).

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 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:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
  - a) includes 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

Application Number 12/403,575

expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The 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 Kenya A. McLaughlin, Petitions Attorney at 571-272-3222.

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 Technology Center Art Unit 2885 action on the merits commensurate with this decision.



Chris Bottorff  
Supervisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

GOODMAN, ALLEN & FILETTI PLLC  
4501 HIGHWOODS PARKWAY  
SUITE 210  
GLEN ALLEN VA 23060

**MAILED**  
AUG 27 2010  
OFFICE OF PETITIONS

In re Application of  
Elijah KOVALENKO, et al  
Application No. 12/403,613  
Filed: March 13, 2009  
Attorney Docket No. 0013.000001US

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 23, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Thedford Hitaffer on behalf of the attorneys of record associated with Customer No. 33422. The attorneys of record associated with Customer No. 33422 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: ELIJAH KOVALENKO  
1355 PAGE ROAD  
POWHATAN VA 23139



UNITED STATES PATENT AND TRADEMARK 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
12/403,613	03/13/2009	Elijah Kovalenko	0013.000001US

CONFIRMATION NO. 9999

POWER OF ATTORNEY NOTICE



33422  
GOODMAN, ALLEN & FILETTI PLLC  
4501 HIGHWOODS PARKWAY  
SUITE 210  
GLEN ALLEN, VA 23060

Date Mailed: 08/27/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/23/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**DLA PIPER LLP (US)**  
**ATTN: PATENT GROUP**  
**P.O. Box 2758**  
**Reston VA 20195**

**MAILED**

**SEP 06 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Kaiyuan Huang et al. :  
Application No. 12/403,742 : **DECISION ON PETITION**  
Filed: March 13, 2009 : **TO WITHDRAW**  
Attorney Docket No. 5473-009 US : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71, who has properly intervened. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment, must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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**DLA PIPER LLP (US)**  
**ATTN: PATENT GROUP**  
**P.O. Box 2758**  
**Reston VA 20195**

**MAILED**

**OCT 24 2011**

**OFFICE OF PETITIONS**

In re Application of  
Kaiyuan Huang et al.  
Application No. 12/403,742  
Filed: March 13, 2009  
Attorney Docket No. 5473-009-US

:  
:  
:  
:  
:  
:

**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. § 1.136(b), filed October 6, 2011 and October 18, 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 James M. Heintz on behalf of all attorneys/agents associated with customer number 24510. All attorneys/agents associated with customer number 24510 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Liquid Computing Corporation  
340 Terry Fox, Suite 300  
Ottawa, Ontario K2K 3A2  
Canada



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
12/403,742	03/13/2009	Kaiyuan Huang	5473-009 US

24510  
DLA PIPER LLP (US)  
ATTN: PATENT GROUP  
P.O. Box 2758  
Reston, VA 20195

**CONFIRMATION NO. 1271**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 10/24/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/06/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000; or (571) 272-4200, or 1-888-786-0101



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**MAILED**

**SEP 02 2010**

**OFFICE OF PETITIONS**

**TUROCY & WATSON, LLP**  
**127 Public Square**  
**57th Floor, Key Tower**  
**CLEVELAND OH 44114**

In re Application of :  
Jean-Pierre Duplessis et al. :  
Application No. 12/403,851 : **DECISION ON PETITION**  
Filed: March 13, 2009 :  
Attorney Docket No. :  
MS306247.0X/MSFTP552USA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (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) was obtained. Accordingly, the application became abandoned on July 16, 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) the reply in the form of an examination fee of \$220, a search fee of \$540, a basic filing fee of \$330, and a surcharge fee of \$130 (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly the fees are 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.

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 regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received July 15, 2010. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: William E. Curry  
Microsoft Corporation  
One Microsoft Way  
Redmond, WA 98052-6399



**UNITED STATES PATENT AND TRADEMARK OFFICE**

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FOX ROTHSCHILD LLP  
PRINCETON PIKE CORPORATE CENTER  
997 LENOX DRIVE  
BLDG. #3  
LAWRENCEVILLE NJ 08648

**MAILED**

**OCT 21 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Gefen, et al. :  
Application No. 12/403,857 :  
Filed: March 13, 2009 :  
Attorney Docket No. **74409-00037** :  
**(3780-147US)**

DECISION GRANTING PETITION  
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed May 13, 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 under a multi-national treaty on August 17, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application under a multi-national treaty

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 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

This application is being forwarded to Technology Center Art Unit 2624 for examination in due course.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petition

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/403,857	03/13/2009	Smadar Gefen	74409-00037 (3780-147US)

CONFIRMATION NO. 1498

**NONPUBLICATION RESCISSION  
LETTER**

29880  
FOX ROTHSCHILD LLP  
PRINCETON PIKE CORPORATE CENTER  
997 LENOX DRIVE  
BLDG. #3  
LAWRENCEVILLE, NJ 08648



Date Mailed: 10/13/2010

**Communication Regarding Rescission Of  
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 01/20/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> 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.

<sup>1</sup> 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".

/kathornton mclaughl/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

<b>REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO</b>			
Application No.:	12/403,911	First Named Inventor:	COWARD, Christopher
Filing Date:	March 13, 2009	Attorney Docket No.:	VAC.0872US
Title of the Invention:	SYSTEM AND METHOD FOR REDUCED PRESSURE CHARGING		
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 <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/ EFS_HELP.HTML</a> .			
<b>APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.</b>			
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: <u>PCT/US2009/037111</u>			
The international filing date of the corresponding PCT application(s) is/are: <u>March 13, 2009</u>			
<b>I. List of Required Documents:</b>			
a. <b>A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</b>			
<input type="checkbox"/> is attached.			
<input checked="" type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.			
b. <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)</b>			
<input checked="" type="checkbox"/> is attached.			
<input type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.			
c. <b>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.</b>			
d. <b>(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.</b>			
<input type="checkbox"/> is attached.			
<input checked="" type="checkbox"/> has already been filed in the above-identified U.S. application on <u>September 22, 2009; April 5, 2012</u>			
<b>(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)</b>			
<input type="checkbox"/> are attached.			
<input checked="" type="checkbox"/> have already been filed in the above-identified U.S. application on <u>September 22, 2009; April 5, 2012</u>			





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**KINETIC CONCEPTS, INC.**  
**c/o SNR DENTON US LLP**  
**P.O. BOX 061080**  
**CHICAGO IL 60606-1080**

**MAILED**  
**APR 18 2012**  
**OFFICE OF PETITIONS**

In re Application of : DECISION ON REQUEST TO  
Chris COWARD et al. : PARTICIPATE IN PCT-PPH PROGRAM  
Application No. 12/403,911 : AND PETITION TO MAKE SPECIAL  
Filed: March 13, 2009 : UNDER 37 CFR 1.102(a)  
Atty. Docket No.: VAC.0872US  
For: SYSTEM AND METHOD FOR REDUCED PRESSURE CHARGING

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed April 5, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Sweden, Nordic Patent Institute, China, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

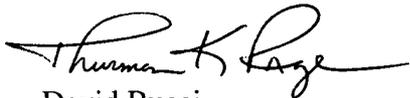
(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 3771 for action commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Stephen J. Lukasik

Application No. 12403989

Filed: March 13, 2009

Attorney Docket No. 11160001AA

:

: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 08-FEB-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.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : December 5, 2011

In re Application of :

Reza Pagaila

Application No : 12404069

Filed : 13-Mar-2009

Attorney Docket No : 2515.0161

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed December 5, 2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12404069
Filing Date	13-Mar-2009
First Named Inventor	Reza Pagaila
Art Unit	2818
Examiner Name	THINH NGUYEN
Attorney Docket Number	2515.0161
Title	SEMICONDUCTOR DIE AND METHOD OF FORMING NOISE ABSORBING REGIONS BETWEEN THVS IN PERIPHERAL REGION OF THE DIE

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
- (4) Statement that the entire delay was unintentional.

**Petition fee**

The petition fee under 37CFR 1.17(m) is attached.

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY.

**Issue Fee and Publication Fee :**

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

**Drawing corrections and/ or other deficiencies.**

- Drawing corrections and/ or other deficiencies are not required
- I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- A joint inventor; all of whom are signing this e-petition.
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Robert D. Atkins/
Name	Robert D. Atkins
Registration Number	34288



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/404,086	03/13/2009	Linyi Tian	13674-303	1015

7590 09/08/2010  
Huawei/BHGL  
P.O. Box 10395  
Chicago, IL 60610

EXAMINER

HWANG, JOON H

ART UNIT	PAPER NUMBER
2447	

MAIL DATE	DELIVERY MODE
09/08/2010	PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

Administrative data: 09/08/2010 NFRM/ER  
09/16/2010 14:53:00 26683904 842180 1240-001  
02 09:11:00 542.00 CR