

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: 20110607

DATE : May 24, 2011

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction for Appl. No. 12/414437 patent No.: 7896498 B2  
C of C mailroom date: --5-17-11

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

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**.

Magdalene Talley

Certificates of Correction Branch  
571-272- 0423

Thank You For Your Assistance

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

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

**Comments:** All changes apply. Thank you.

---

---

---

---

---

/Ricky Mack/

2873

**SPE**

**Art Unit**

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Attorney Docket Number: **34326US** Application Number (if known): **12/414,486** Filing date: **March 30, 2009**

First Named Inventor: **Zhenhua Mao**

Title: **ANODE POWDERS FOR BATTERIES**

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: \_\_\_\_\_

Signature **/Chance E. Hardie/**

Date **November 11, 2010**

Name (Print/Typed) **Chance E. Hardie**

Registration Number **55,247**

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

\*Total of 1 forms are submitted.

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

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

Appl. No.: 12/414,486 Confirmation No.: 1031  
Applicant: Zhenhua Mao  
Filed: March 30, 2009  
TC/A.U.: 1726  
Examiner: Eugenia Wang  
Docket No.: 34326US  
Customer No.: 28841  
Title: ANODE POWDERS FOR BATTERIES

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

**STATEMENTS OF SPECIAL STATUS**

Sir:

In furtherance to the accompanying Petition to Make Special Under the Green Technology Pilot Program, Applicants submit the following in support thereof. The claimed invention in the above-identified application materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining element air. In particular, the invention relates to materials used in batteries that enable development of electric vehicles, which result in reduced fossil fuel combustion and hence air contamination.

Respectfully Submitted,

Date: November 11, 2010

By: /Chance E. Hardie/  
Attorney  
Registration No. 55,247

CONOCOPHILLIPS COMPANY – I.P. LEGAL  
ATTN: Docketing  
600 N. Dairy Ashford, MA-1135  
Houston, Texas 77079  
(281) 293-4126  
(281) 293-2127 (Fax)



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.
12/414,486	03/30/2009	Zhenhua Mao	34326US	1031
28841	7590	11/22/2010	EXAMINER	
ConocoPhillips Company - IP Services Group Attention: DOCKETING 600 N. Dairy Ashford Bldg. MA-1135 Houston, TX 77079			WANG, EUGENIA	
			ART UNIT	PAPER NUMBER
			1726	
			NOTIFICATION DATE	DELIVERY MODE
			11/22/2010	ELECTRONIC

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

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

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

Legal-IP@conocophillips.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

ConocoPhillips Company - IP Services Group  
Attention: DOCKETING  
600 N. Dairy Ashford  
Bldg. MA-1135  
Houston TX 77079

NOV 22 2010

In re Application of	:	
Mao et al.	:	DECISION ON PETITION
Application No. 12/414,486	:	TO MAKE SPECIAL UNDER
Filed: 3/30/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 34326US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/12/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 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

QUANTUM C/O WAGNER  
BLECHER LLP  
123 WESTRIDGE DRIVE  
WATSONVILLE CA 95076

MAILED

JUL 01 2011

OFFICE OF PETITIONS

In re Application of :  
Barsotti, et al. :  
Application No. 12/414,491 : DECISION  
Filed: 30 March, 2009 :  
Attorney Docket No. QNTM-Q081018US1 :

This is a decision on the petition, filed on 23 May, 2011, to revive pursuant to 37 C.F.R. §1.137(b) and alleging abandonment due to unintentional delay.

The petition under 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 that:

Applicant, failed to reply timely and properly to a non-final Office action (Restriction) mailed on 12 October, 2010, with reply due absent an extension of time on or before 12 November, 2010.

The application went abandoned after midnight 12 November, 2010.

The Office mailed the Notice of Abandonment on 19 May, 2011.

On 23 May, 2011, Petitioner filed a petition with fee pursuant to 37 C.F.R. §1.137(b), a reply in the form of an Election, and made the statement of unintentional delay.

Application No. 12/414,491

*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 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> 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>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.

---

<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.

<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. 12/414,491

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 2627 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>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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

AT&T LEGAL DEPARTMENT – HFZ  
ATTN PATENT DOCKETING  
ONE AT&T WAY  
ROOM 2A-207  
BEDMINSTOR NJ 07921

**MAILED**  
**SEP 28 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Eric Rosenberg :  
Application No. 12/414,521 : DECISION GRANTING PETITION  
Filed: March 30, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 2005-0085CON :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 27, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on September 9, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

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

This application is being referred to Technology Center AU 2465 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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**STEVENS LAW GROUP  
1754 TECHNOLOGY DRIVE  
SUITE #226  
SAN JOSE CA 95110**

**MAILED  
JAN 03 2011  
OFFICE OF PETITIONS**

In re Application of	:	
George LIANG	:	
Application No. 12/414,566	:	DECISION ON PETITION
Filed: May 15, 2009	:	TO WITHDRAW
Attorney Docket No. FE90R	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 3, 2010.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office is not proper since it is not that of a practitioner or law who has filed a power of attorney nor is it for an assignee who has been properly made of record under 37 C.F.R 3.71 or the first named inventor.

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEVENS LAW GROUP  
1754 TECHNOLOGY DRIVE  
SUITE #226  
SAN JOSE CA 95110

**MAILED**  
MAR 01 2011  
**OFFICE OF PETITIONS**

In re Application of :  
Gilles Bruno Marie DEVICTOR, et al :  
Application No. 12/414,566 :  
Filed: March 30, 2009 :  
Attorney Docket No. NOVA-02601 :  
: DECISION ON PETITION  
: TO WITHDRAW  
: FROM RECORD  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **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 address is not that of the first named inventor. If the change of address is to that of an assignee, the assignee has not been properly made of record. In this regard, the assignee of the entire interest must be made of record pursuant to 37 CFR 3.71, which 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.”*

37 CFR 3.73(b) states:

*“In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:*

- (i) *Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). For trademark matters only, the documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or*
- (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)."*

Please see the attached Form PTO/SB/96 - Statement Under 37 CFR 3.73(b).

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

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

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

Cc: NOVAFORA, INC.  
2460 N. 1<sup>ST</sup> ST SUITE 200  
SAN JOSE CA 95131

Attachment: Form SB/96 – Statement Under 37 CFR 3.73(b)



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.  
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.  
BUSINESS OBJECTS DATA INTEGRATION, INC.  
3580 CARMEL MOUNTAIN RD., SUITE 300  
SAN DIEGO CA 92130**

**MAILED  
APR 13 2011  
OFFICE OF PETITIONS**

In re Application of	:	
Hajela et al.	:	DECISION ON PETITION
Application No. 12/414,570	:	TO WITHDRAW
Filed: March 30, 2009	:	FROM RECORD
Attorney Docket No. BOBJ-179/03US	:	
304661-2496	:	

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**.

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 William S. Galliani on behalf of attorneys of record, Cliff Z. Lui, Reg. No. 50,834 and Jason C. Fan, Reg. No.54,092 but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (Form PTO/SB/83).

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

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

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

  
Joan Olszewski  
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](http://www.uspto.gov)

**BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.  
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.  
BUSINESS OBJECTS DATA INTEGRATION, INC.  
3580 CARMEL MOUNTAIN RD., SUITE 300  
SAN DIEGO CA 92130**

**MAILED**

**APR 13 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Rao et al. :  
Application No. 12/414,581 :  
Filed: March 30, 2009 :  
Attorney Docket No. BOBJ-179/04US :  
304661-2497 :

**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**.

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 William S. Galliani on behalf of attorneys of record, Cliff Z. Lui, Reg. No. 50,834 and Jason C. Fan, Reg. No.54,092 but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (Form PTO/SB/83).

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

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

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

  
Jean Olzewski  
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

**STEVENS LAW GROUP  
1754 TECHNOLOGY DRIVE  
SUITE #226  
SAN JOSE CA 95110**

**MAILED  
JAN 03 2011  
OFFICE OF PETITIONS**

In re Application of :  
Gilles Bruno Marie DEVICTOR, et al :  
Application No. 12/414,586 :  
Filed: April 30, 2009 :  
Attorney Docket No. 34326US :  
: **DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 3, 2010.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office is not proper since it is not that of a practitioner or law who has filed a power of attorney nor is it for an assignee who has been properly made of record under 37 C.F.R 3.71 or the first named inventor.

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**STEVENS LAW GROUP  
1754 TECHNOLOGY DRIVE  
SUITE #226  
SAN JOSE CA 95110**

**MAILED**

**MAR 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Gilles Bruno Marie DEVICTOR, et al :  
Application No. 12/414,586 :  
Filed: April 30, 2009 :  
Attorney Docket No. NOVA-02602 :

**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 31, 2011.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the correspondence address provided is that of an assignee who has been properly made of record under 37 C.F.R. 3.71. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). See attached Form PTO/SB/96 – Statement Under 37 CFR 3.73(b).

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

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

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

cc: NOVAFORA, INC.  
2460 N. 1<sup>ST</sup> ST SUITE 200  
SAN JOSE CA 95131

Attachment: PTO/SB/96 - Statement Under 37 CFR 3.73(b)



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**Thompson E. Fehr**  
**Goldenwest Corporate Center**  
**Suite 300**  
**5025 Adams Avenue**  
**Ogden UT 84403**

**MAILED**

**JUN 06 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Ralph S. Norman :  
Application No. 12/414,648 : **DECISION ON PETITION**  
Filed: December 15, 2006 :  
Attorney Docket No. PNORMHC :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 2, 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 3, 2010. A Notice of Abandonment was mailed on February 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 3657 for appropriate action by the Examiner in the normal course of business on the reply received May 13, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



## UNITED STATES 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)

In re Application of  
David Strand

:  
:

Application No. 12414689

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

Filed: March 31, 2009

:

Attorney Docket No. Ovation - 9

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 12-OCT-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
ONE RESEARCH CIRCLE  
BLDG. K1-3A59  
NISKAYUNA, NY 12309

**MAILED**  
**AUG 03 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Ayman Mohamed Fawzi El-Refaie, et al. :  
Application No. 12/414,776 : **DECISION ON PETITION**  
Filed: March 31, 2009 :  
Attorney Docket No. 225697-1 :

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

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 27, 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 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 amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

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

This application is being referred to Technology Center AU 2834 for appropriate action by the Examiner in the normal course of business on the reply received May 10, 2011.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/414,788	03/31/2009	Yonghui Zhao	20081077USNP-XER2144US01	1592
62095	7590	12/08/2011	EXAMINER	
FAY SHARPE / XEROX - ROCHESTER 1228 EUCLID AVENUE, 5TH FLOOR THE HALLE BUILDING CLEVELAND, OH 44115			ROGERS, SCOTT A	
			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
			12/08/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FAY SHARPE / XEROX - ROCHESTER  
1228 EUCLID AVENUE, 5TH FLOOR  
THE HALLE BUILDING  
CLEVELAND OH 44115

In Re Application of: :  
**ZHAO, YONGHUI**, et al. : **DECISION ON PETITION**  
Application Serial No. **12/414,788** : **TO ACCEPT COLOR**  
Filed: **March 31, 2009** : **DRAWINGS**  
Attorney Docket Number: **20081077USNP-XER2144US01** :  
For: **METHODS OF WATERMARKING DOCUMENTS** :

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed March 31, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings, noted as figures 1B, 1C, 2, 3, 4, 5C, 7, 8 and 9 be accepted.

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

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

Petitioner has met the requirements set forth above. Accordingly, the petition is **Granted**.

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist, at (571) 272-7531.

/ Daniel Swerdlow /

\_\_\_\_\_  
Daniel Swerdlow  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/414,830	03/31/2009	Robert P. Morris	I543/US	1665
49277	7590	09/21/2011	EXAMINER	
SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			TANG, KAREN C	
			ART UNIT	PAPER NUMBER
			2447	

DATE MAILED: 09/21/2011

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

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Scenera Research, LLC  
5400 Trinity Road  
Suite 303  
Raleigh NC 27607

*In re* Application of:

Morris

Appl. No.: 12/414,830

Filed: March 31, 2009

For: METHODS, SYSTEMS, AND COMPUTER PROGRAM  
PRODUCTS FOR ESTABLISHING A SHARED  
BROWSING SESSION BETWEEN A USER OF A WEB  
BROWSER WITH A USER OF ANOTHER WEB  
BROWSER

:  
:  
:  
:  
:  
:

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 25, 2011. This is the third petition for suspension.

The petition is **GRANTED**.

Pursuant to applicant's request filed on August 25, 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



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.
12/414,835	03/31/2009	Robert P. Morris	I567/US	1671
49277	7590	09/21/2011	EXAMINER	
SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			TANG, KAREN C	
			ART UNIT	PAPER NUMBER
			2447	

DATE MAILED: 09/21/2011

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

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Scenera Research, LLC  
5400 Trinity Road  
Suite 303  
Raleigh NC 27607

*In re* Application of:

Morris

Appl. No.: 12/414,835

Filed: March 31, 2009

For: **METHODS, SYSTEMS, AND COMPUTER PROGRAM  
PRODUCTS FOR ESTABLISHING A SHARED  
BROWSING SESSION BETWEEN A USER OF A WEB  
BROWSER WITH A USER OF ANOTHER WEB  
BROWSER**

:  
:  
:  
:  
:

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 25, 2011. This is the third petition for suspension.

The petition is **GRANTED**.

Pursuant to applicant's request filed on August 25, 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

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

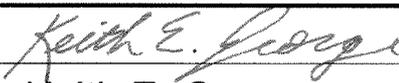
Nonprovisional Application Number or Control Number (if applicable): 12/414,883	Patent Number (if applicable):
First Named Inventor: Shohei TERADA et al.	Title of Invention: TRANSMISSION ELECTRON MICROSCOPE HAVING ELECTRON SPECTROSCOPE

**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 <b>June 6, 2011</b>
Name (Print/Typed) <b>Keith E. George</b>	Practitioner Registration Number <b>34,111</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>1</u> forms are submitted.	



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MCDERMOTT WILL & EMERY LLP**  
**600 13TH STREET, N.W.**  
**WASHINGTON DC 20005-3096**

**MAILED**

**JUN 09 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Terada et al. :  
Application No. 12/414,883 : **DECISION ON PETITION**  
Filed: March 31, 2009 :  
Attorney Docket No. 058799-0221 :

This is a decision on the request filed June 6, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 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 2881 for re-mailing the Office action of February 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



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.
12/414,896	03/31/2009	Kosuke KAROJI	09221/LH	1766
1933 7590 11/03/2010 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER BULLOCK JR, LEWIS ALEXANDER	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 11/03/2010	DELIVERY MODE PAPER

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

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



UNITED STATES 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)

Frishauf, Holtz, Goodman, & Chick, PC  
220 Fifth Avenue, 16<sup>th</sup> FL  
New York, NY 10001-778

In re Application of: Kosuke KAROJI  
Application No. 12/414,896  
Filed January 14, 2009  
For: Vehicle control apparatus.

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 12, 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;

(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 **KIPO** 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);

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

*Application SN 12/414,896*  
*Decision on Petition*

The petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

---

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**PARK LAW FIRM  
3255 WILSHIRE BLVD  
SUITE 1110  
LOS ANGELES CA 90010**

**MAILED  
SEP 30 2011  
OFFICE OF PETITIONS**

In re Application of :  
Doyub KIM et al. : ON PETITION  
Application No. 12/414,978 :  
Filed: March 31, 2009 :  
Atty. Docket No.: 1915.013 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed June 3, 2011, which set a statutory period for reply of three (3) months. The application became abandoned September 7, 2011. A Notice of Abandonment was mailed September 16, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue fee and publication fee in accordance with the Notice mailed June 3, 2011, (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Notice is accepted as being unintentionally delayed.

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

The application will be referred to Office of Data Management for consideration of the filed Response.

*for*   
Anthony Knight  
Director  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MITSUBISHI ELECTRIC  
RESEARCH LABORATORIES, INC.  
201 BROADWAY  
8TH FLOOR  
CAMBRIDGE MA 02139

**MAILED**

**JAN 24 2011**

**OFFICE OF PETITIONS**

In re Application of  
Porikli, et al.  
Application No. 12/414,981  
Filed: 31 March, 2009  
Attorney Docket No. MERL-2108

DECISION

This is a decision on the petition filed on 13 August, 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 **GRANTED**.

As to the Allegations  
of Unintentional Delay

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

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

BACKGROUND

The record reflects as follows:

The Applicant failed to reply to the Notice of Missing Parts/to File Corrected Application Papers (oath/declaration, surcharge, corrected specification/drawings) mailed on 13 April, 2009, with reply due absent extension of time on or before 13 June, 2009.

The application went abandoned by operation of law after midnight 13 June, 2009.

The Office mailed the Notice of Abandonment on 24 December, 2009.

Application No. 12/414,981

On 14 January, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b) with replacement specification and drawings—though no reply in the form of oath/declaration, surcharge (thus, the reply was not complete and proper)—and made a statement of unintentional delay. The petition was dismissed on 13 March, 2010.

On 14 January, Petitioner filed, *inter alia*, a request and fee for extension of time and re-advanced his petition pursuant to 37 C.F.R. §1.137(b) with the remaining reply requirements (oath/declaration, surcharge) and once again made the statement of unintentional delay.

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> 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>)

<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.

<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. 12/414,981

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>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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**TUROCY & WATSON, LLP  
127 PUBLIC SQUARE  
57TH FLOOR, KEY TOWER  
CLEVELAND OH 44114**

**MAILED**

**JUL 15 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Tock et al. :  
Application No. 12/415,018 : **ON PETITION**  
Filed: March 31, 2009 :  
Attorney Docket No. MAXMP104US :  
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 7, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement (PTO/SB/130 form) by the 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 1771 for action on the merits commensurate with this decision.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 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: <b>02-0573</b>	Application Number (if known): <b>12/415,028</b>	Filing date: <b>03/31/2009</b>
--	--	--------------------------------

First Named Inventor: **Ching-Chuan KUO**

Title: **Driving Circuit with Continuous Dimming Function for Driving Light Sources**

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: \_\_\_\_\_

Signature **/James P. Hao/**

Date **10/22/2010**

Name (Print/Typed) **James P. Hao**

Registration Number **36398**

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

\*Total of \_\_\_\_\_ forms are submitted.

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

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

O2-0573  
12/415,028

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

Applicant:	KUO, Ching-Chuan et al.	Examiner:	
Serial No.:	12/415,028	Group Art Unit:	2821
Filed:	3/31/2009	Docket:	O2-0573
Confirmation No.:	1984		
Title:	DRIVING CIRCUIT WITH CONTINUOUS DIMMING FUNCTION FOR DRIVING LIGHT SOURCES		

---

**STATEMENT OF SPECIAL STATUS FOR PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

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

Dear Sir:

**BASIS FOR SPECIAL STATUS**

Special status under the Green Technology Pilot program is sought because the claimed subject matter of this Application materially contributes to the more efficient utilization and conservation of energy resources. Further, the claimed subject matter of this Application materially enhances the quality of the environment through energy conservation.

**HOW THE MATERIALITY STANDARD IS MET**

The claimed subject matter of this Application is directed to method, driving circuit, and system for controlling/adjusting power of light sources, such as light

emitting diodes (LEDs), in various applications such as dimming of the light output of the light source. The method, driving circuit, and system materially reduce energy consumption by enabling the dimming of the light output of the light source, such as a light emitting diode (LED). Moreover, the claimed subject matter provides for the turning off of selective components in order to save energy. Additionally, the claimed subject matter may be employed in industrial equipment, commercial equipment, and household appliances to materially contribute to the more efficient utilization and conservation of energy resources.

An example of a household appliance is an LED lamp. In an LED lamp, one or more LEDs are driven by a driving circuit to generate light output. In order to generate different levels of light output through dimming, the claimed subject matter may be employed herein.

LEDs have a multitude of environmental advantages. Unlike incandescent and fluorescent bulbs, an LED light source does not utilize a filament or any type of luminary gas. LEDs contain no harmful chemicals such as mercury which is found in fluorescent lights. LEDs are manufactured from materials that can be fully recycled. Most energy used by the LED is converted into light, not heat. Traditional lighting is relatively inefficient due to the large amounts of heat generated in the production of light. Moreover, LEDs have a longer lifespan.

O2-0573  
12/415,028

The Commissioner is hereby authorized to charge fees associated with this communication or credit any overpayment to Deposit Account No.: 50-4160.

Please direct all correspondence concerning the above-identified application to the following address:

**MURABITO HAO & BARNES LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
71271

Respectfully submitted,

Date: 10/22/2010

By: /James P. Hao/  
James P. Hao  
Reg. No. 36,398



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.
12/415,028	03/31/2009	Ching-Chuan KUO	0573	1984
71271	7590	10/27/2010	EXAMINER	
PATENT PROSECUTION			VU, DAVID HUNG	
O2MIRCO, INC.			ART UNIT	PAPER NUMBER
3118 PATRICK HENRY DRIVE			2821	
SANTA CLARA, CA 95054			MAIL DATE	DELIVERY MODE
			10/27/2010	PAPER

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

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



PATENT PROSECUTION  
O2MIRCO , INC.  
3118 PATRICK HENRY DRIVE  
SANTA CLARA CA 95054

In re Application of :  
KUO et al :  
Application No. 12/415,028 :  
Filed: March 31, 2009 :  
Attorney Docket No. 0573 :

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 October 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

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

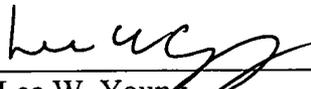
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special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

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

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

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

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

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FAY SHARPE / XEROX - ROCHESTER  
1228 EUCLID AVENUE, 5TH FLOOR  
THE HALLE BUILDING  
CLEVELAND OH 44115

**MAILED**

NOV 10 2011

OFFICE OF PETITIONS

In re Application of :  
Shustef :  
Application No. 12/415,046 : DECISION ON PETITION  
Filed: March 31, 2009 :  
Attorney Docket No. 20081865USNP- :  
XER2729US01 :

This is a decision on the petition under 37 CFR 1.182, filed, October 27, 2011, to change the name of inventor "Eugene Shustef" to – Yevgeniy Shustef --, which is the signed version of the name on the declaration filed March 31, 2009.

The petition is **GRANTED**.

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

The Office acknowledges receipt of the \$400.00 petition fee.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2852 to await applicant's reply to the non-final Office action, mailed August 22, 2011.

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
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: 12/415,046, 03/31/2009, 2852, 1246, 20081865USNP-XER2729US01, 23, 3

CONFIRMATION NO. 2024

CORRECTED FILING RECEIPT



62095
FAY SHARPE / XEROX - ROCHESTER
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND, OH 44115

Date Mailed: 11/08/2011

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

Applicant(s)

Yevgeniy Shustef, Macedon, NY;

Assignment For Published Patent Application

Xerox Corporation, Norwalk, CT

Power of Attorney: The patent practitioners associated with Customer Number 62095

Domestic Priority data as claimed by applicant

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

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

If Required, Foreign Filing License Granted: 04/09/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/415,046

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

SYSTEM AND METHOD FOR CONTROLLING ORDERING OF COLOR TONER BASED ON A SERVICE CONTRACT

**Preliminary Class**

399

**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).

---

### **SelectUSA**

The United States represents the largest, most dynamic marketplace in the world; an unparalleled location for innovation and commercialization of new technologies. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. Go to [www.SelectUSA.gov](http://www.SelectUSA.gov) for more information. Whether you choose to visit [www.SelectUSA.gov](http://www.SelectUSA.gov) will have no effect on the examination of your patent application.

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	12415067
Filing Date	31-Mar-2009
First Named Inventor	Shekhar Gupta
Art Unit	2116
Examiner Name	ZAHID CHOUDHURY
Attorney Docket Number	020367-005450US
Title	BODY HEAT SENSING CONTROL APPARATUS AND 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	/Chad E. King/
Name	Chad E. King
Registration Number	44187



## UNITED STATES 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 : April 12, 2012

In re Application of :

Shekhar Gupta

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12415067

Filed : 31-Mar-2009

Attorney Docket No : 020367-005450US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 12, 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 2116 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

SWANSON & BRATSCHUN, L.L.C.  
8210 SOUTHPARK TERRACE  
LITTLETON, CO 80120

**MAILED**

**FEB 18 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Chester A. Wallace :  
Application No. 12/415,157 : **ON PETITION**  
Filed: March 31, 2009 :  
Attorney Docket No.: 0357.01 :

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

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

The application is being referred to the Technology Center AU 2624 for further processing commensurate with this decision.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

REED SMITH, LLP  
ATTN: PATENT RECORDS DEPARTMENT  
599 LEXINGTON AVENUE, 29<sup>TH</sup> FLOOR  
NEW YORK NY 10022-7650

**MAILED**

MAY 20 2011

**OFFICE OF PETITIONS**

In re Application of	:	
TAKAHASHI	:	
Application No. 12/415,224	:	DECISION ON PETITION
Filed: March 31, 2009	:	TO WITHDRAW
Attorney Docket No. 501646.20011	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

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

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

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

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: ROBERT A. MUHA  
REED SMITH, LLP  
PO BOX 488  
PITTSBURGH PA 15230

cc: BROTHER KOGYO KABUSHIKI KAISHA  
15-1 NAESHIRO-CHO,  
MIZUHO-KU, NAGOYA-SHI  
AICHI-KEN 466-8561 JAPAN



## UNITED STATES 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 December 22, 2011

In re Application of Alejandro BERENSTEIN

Application No. 12415231

Filed: 31-Mar-2009

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. 298857-00003

This is an electronic decision on the petition under 37 CFR 1.137(b), December 22, 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

Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>
-----------------------------	--

Application Number	12415231
--------------------	----------

Filing Date	31-Mar-2009
-------------	-------------

First Named Inventor	Alejandro BERENSTEIN
----------------------	----------------------

Attorney Docket Number	298857-00003
------------------------	--------------

Title	CATHETER-BASED SEPTAL OCCLUSION DEVICE AND ADHESIVE DELIVERY SYSTEM
-------	---

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	/WILLIAM H. DIPPERT/
Name	WILLIAM H. DIPPERT
Registration Number	26723

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

In re Application of: Dimitar V. Dimitrov                      Group Art Unit: 2627  
Application No.: 12/415,243                                      Examiner:  
Filed: March 31, 2009    Due Date:  
Confirmation No. 2383    Customer No. 75742  
For: ELECTRONIC DEVICES UTILIZING SPIN TORQUE TRANSFER  
TO FLIP MAGNETIC ORIENTATION

---

CERTIFICATE OF MAILING OR TRANSMISSION:  
I hereby certify that this correspondence is being deposited  
 USPTO EFS Web Filing on August 19, 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 12/361,905 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 copen ding application expressly abandoned are attached.

3. Identification of relationship between the copen ding 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 12/361,905 filed January 29, 2009.

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 19, 2010

/Anna M. Nelson/

Anna M. Nelson, Ph.D.  
Registration No. 48935  
CAMPBELL NELSON WHIPPS, LLC  
Historic Hamm Building  
408 St. Peter Street, Suite 240  
St. Paul, Minnesota 55102  
651.259.6702



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>
DIMITROV, et al.	:	<b>DECISION ON PETITION</b>
Application No. 12/415,243	:	<b>TO MAKE SPECIAL</b>
Filed: March 31, 2009	:	<b>37 CFR 1.102</b>
Attorney Docket No. <b>1011.14828.00</b>	:	

This is a decision on the petition under 37 CFR 1.102, filed August 19, 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.

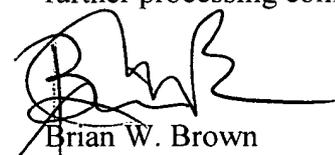
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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

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

In re Application of: Dimitar V. Dimtrov                      Group Art Unit: 2827  
Application No.: 12/415,257                                      Examiner:  
Filed: March 31, 2009    Due Date:  
Confirmation No. 2404    Customer No. 75742  
For: MAGNETIC RANDOM ACCESS MEMORY (MRAM) UTILIZING  
MAGNETIC FLIP-FLOP STRUCTURES

---

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?  
Copending application serial number 12/189,412 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 12/189,412 filed August 11, 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

/Anna M. Nelson/

Anna M. Nelson, Ph.D.  
Registration No. 48935  
CAMPBELL NELSON WHIPPS, LLC  
Historic Hamm Building  
408 St. Peter Street, Suite 240  
St. Paul, Minnesota 55102  
651.259.6702



CAMPBELL NELSON WHIPPS, LLC  
HISTORIC HAMM BUILDING  
408 SAINT PETER STREET, SUITE 240  
ST. PAUL MN 55102

**MAILED**  
**DEC 01 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
DIMITROV, et al.	:	DECISION ON PETITION
Application No. 12/415,257	:	TO MAKE SPECIAL
Filed: March 31, 2009	:	37 CFR 1.102
Attorney Docket No. 1011.14840.00	:	

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.

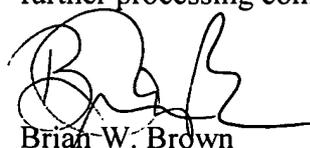
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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  
[www.uspto.gov](http://www.uspto.gov)

RAJA SINGH TULI  
SUITE 1130  
555 RENE LEVES'QUE WEST  
MONTREAL QC H2Z 1B1 CA CANADA

MAILED

JUL 15 2011

In re Application of :  
Tuli :  
Application No. 12/415,261 :  
Filed/Deposited: 31 March, 2009 :  
Attorney Docket No. LOWER\_06 :

OFFICE OF PETITIONS  
DECISION

This is a decision on the papers filed on 28 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:**

Petitioner is reminded that the regulations at 37 C.F.R. §1.23 provide:

**37 C.F.R. §1.23 Method of payment.**

(a) All payments of money required for United States Patent and Trademark Office fees, including fees for the processing of international applications (**§ 1.445**), shall be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, national bank notes, or United States Postal Service money order. If sent in any other form, the Office may delay or cancel the credit until collection is made. Checks and money orders must be made payable to the Director of the United States Patent and Trademark Office. (Checks made payable to the Commissioner of Patents and Trademarks will continue to be accepted.) **Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required.** Money sent to the Office by mail will be at the risk of the sender, and letters containing money should be registered with the United States Postal Service.

(b) Payments of money required for United States Patent and Trademark Office fees may also be made by credit card, except for replenishing a deposit account. Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization

Application No. 12/415,261

to charge fees to a credit card. If credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge. (Emphasis supplied.)

Petitioner appears to have chosen not to comply with these requirements.

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 Notice of Allowance/Allowability and Fees Due mailed on 11 March, 2011, with reply due under a non-extendable deadline on or before (Monday) 13 June, 2011.

The application went abandoned after midnight 13 June, 2011.

The Office mailed the Notice of Abandonment on 24 June, 2011.

Application No. 12/415,261

On 28 June, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—with an averment that he submitted payment by check. An examination of the copy of the document submitted by Petitioner reveals—despite the fact that Petitioner blacked out the bank routing number—clearly demonstrates that the bank on which the check was drawn was the “Bank of Montreal” (BMO), which is not a bank in the United States, and that the funds specified were not U.S. funds.

As noted above, Petitioner is reminded that the regulations at 37 C.F.R. §1.23 provide:

**37 C.F.R. §1.23 Method of payment.**

(a) All payments of money required for United States Patent and Trademark Office fees, including fees for the processing of international applications ( § 1.445), shall be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, national bank notes, or United States Postal Service money order. If sent in any other form, the Office may delay or cancel the credit until collection is made. Checks and money orders must be made payable to the Director of the United States Patent and Trademark Office. (Checks made payable to the Commissioner of Patents and Trademarks will continue to be accepted.) Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent to the Office by mail will be at the risk of the sender, and letters containing money should be registered with the United States Postal Service.

(b) Payments of money required for United States Patent and Trademark Office fees may also be made by credit card, except for replenishing a deposit account. Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization to charge fees to a credit card. If credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge. (Emphasis supplied.)

Petitioner appears to have chosen not to comply with these requirements. The Rules of Practice provide protections and benefits for applicants and practitioners, however, those protections and benefits are unavailable when those rules are not complied with/followed. The Office is not responsible for a Petitioner's choice not to comply with the Rules of Practice.

Thus, Petitioner has failed to satisfy the requirements under the Rule, and so has not satisfied the showing under the Rule.

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.

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

Application No. 12/415,261

Retrieval (PAIR) system for the status of the correspondence before notifying the Office.  
See MPEP §512.<sup>1</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) )

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>2</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>3, 4</sup>

---

<sup>1</sup> See: MPEP §711.03(c) (I)(B).

<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. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>3</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>4</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. 12/415,261

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

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

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>5</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 pursuant to 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay. (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) )

---

<sup>5</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. 12/415,261

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.)

**Petitioner is cautioned that the failure to file timely a petition pursuant to 37 C.F.R. §1.137(b) seeking to revive an application abandoned due to unintentional delay may be considered *indicia* of delay that is other than unintentional.**

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

Application No. 12/415,261

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

---

<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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

RAJA SINGH TULI  
SUITE 1130  
555 RENE LEVES'QUE WEST  
MONTREAL QC H2Z 1B1 CA CANADA

**MAILED**

**AUG 22 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Tuli :  
Application No. 12/415,261 : **DECISION**  
Filed/Deposited: 31 March, 2009 :  
Attorney Docket No. LOWER\_06 :

This is a decision on the papers filed on 12 August, 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 **GRANTED**.

As to the Allegations  
of Unintentional Delay

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

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

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 11 March, 2011, with reply due under a non-extendable deadline on or before (Monday) 13 June, 2011.

The application went abandoned after midnight 13 June, 2011.

The Office mailed the Notice of Abandonment on 24 June, 2011.

Application No. 12/415,261

On 28 June, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—with an averment that he submitted payment by check. An examination of the copy of the document submitted by Petitioner reveals—despite the fact that Petitioner blacked out the bank routing number—clearly demonstrates that the bank on which the check was drawn was the “Bank of Montreal” (BMO), which is not a bank in the United States, and that the funds specified were not U.S. funds. The petition was dismissed on 15 July, 2011.

On 12 August, 2011, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b) with a reply in the form of, *inter alia*, fees due, and made the statement of unintentional delay.

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

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<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> 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>3))</sup>

---

<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. 12/415,261

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 Publications Branch to be processed into a patent 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 Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch 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>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>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.

<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.



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.
12/415,324	03/31/2009	Byung Kwon Jung	2091.1033	2519
21171	7590	07/05/2011	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER

DATE MAILED: 07/05/2011

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of:	)	
JUNG, et al.	)	
Application No. 12/415,324	)	<b>DECISION SUA SPONTE</b>
Docket No. 2091.1033	)	<b>WITHDRAWING OFFICE ACTION</b>
Filed: March 31, 2009	)	
For: HIGH PCI EXPRESS SIGNAL	)	
TRANSMISSION APPARATUS AND	)	
CONTROL METHOD THEREOF	)	

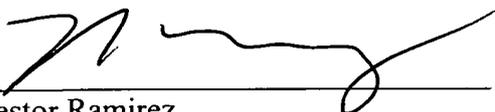
This is a decision, *sua sponte*, withdrawing the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed January 12, 2011.

A review of the application indicates that the Notice of Non-Compliant Amendment, mailed on January 12, 2011, was improperly mailed in response to the amendment submission of January 6, 2011. As a result of entry of the amendment and remarks of January 6, 2011, no further action (on Applicant's part) is due at this time.

For the above stated reasons, the Notice mailed January 12, 2011 is hereby withdrawn and vacated. The Notice (noted above) has been closed from public view as of mailing of this decision.

The application has been forwarded to the Examiner for prompt action on the merits.

Any inquiry concerning this decision should be directed to Brian Johnson whose telephone number is (571) 272-3595.




---

Nestor Ramirez  
Technology Center 2100  
Computer Architecture and Software



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**

**AUG 20 2010**

**OFFICE OF PETITIONS**

In re Application: :  
David R. Pacholok et al. :  
Application No. 12/415,337 :  
Filed: March 21, 2009 :  
Attorney Docket No. 215190-00016 DIV. 1 :

**NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 11, 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.

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BACHMAN & LAPOINTE, P.C.**  
**900 CHAPEL STREET**  
**SUITE 1201**  
**NEW HAVEN CT 06510**

**MAILED**

**APR 06 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Alfredo Vioria et al :  
Application No. 12/415,389 : **DECISION ON REQUEST FOR REFUND**  
Filed: March 31, 2009 :  
Attorney Docket No. 08-200 :

This is a decision on the Request For Refund filed, January 13, 2012.

Applicant files the above request for refund and states that “Applicants respectfully request in the amount of \$150.00 with regard to the above-identified application. Deposit Account No. 02-0184 was charged \$770.00 on December 22, 2011 for the Notice of Appeal and One Month Extension of Time. Applicants inadvertently paid the extension of time fee twice. Applicants hereby request a refund in the amount of \$150.00 because the extension was previously paid on December 22, 2011. It is respectfully requested that a refund in the amount of \$150.00 be credited to Deposit Account No. 02-0184.

A review of Office finance records show that the \$150.00 was refunded to applicant’s deposit account on February 21, 2012. Therefore, the request for refund has been granted.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MEADWESTVACO CORPORATION  
ATTN: IP LEGAL DEPARTMENT  
1021 MAIN CAMPUS DRIVE  
RALEIGH NC 27606**

**MAILED**

**SEP 28 2010**

**OFFICE OF PETITIONS**

In re Application of: :  
John A. Gelardi et al. :  
Application No. 12/415,428 :  
Filing Date: March 31, 2009 :  
Attorney Docket No. 21115-1 :

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on April 06, 2010, to revive the above-identified application.

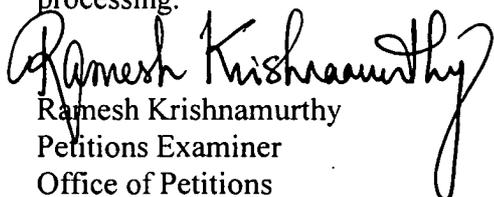
The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed April 14, 2009, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on June 15, 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 fees and 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 April 14, 2009 is accepted as having been unintentionally delayed.

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

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

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/415,442, inventor Yasuharu Iwaki, and examiner AHMED, SAMIR ANWAR.

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Handwritten signature of Betty Powell

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JELLETT LAW, PS  
MATTHEW JELLETT, ESQ.  
910 HARRIS AVE  
SUITE A205  
BELLINGHAM WA 98225

**MAILED**  
**APR 13 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Victor Kingsun Wai :  
Application No. 12/415,457 : **DECISION ON PETITION**  
Filed: March 31, 2009 : **TO WITHDRAW FROM RECORD**  
Attorney Docket No. P208280PAT :  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 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 Matthew Jellett on behalf of all attorneys of record who are associated with Customer Number 62772.

All attorneys/agents associated with the Customer Number 62772 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

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

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



Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Victor Wai  
130-10691 Shellbridge Way  
Richmond, BC V6X-2W8 Canada



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHWABE, WILLIAMSON & WYATT, P.C.  
1420 FIFTH, SUITE 3400  
SEATTLE WA 98101-4010

MAILED

OCT 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Jean Barbier	:	DECISION ON PETITION
Application No. 12/415,507	:	TO WITHDRAW
Filed: March 31, 2009	:	FROM RECORD
Attorney Docket No. 109893-163742	:	

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 29, 2010.

The request is **NOT APPROVED**.

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

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

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

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

Currently, there is an outstanding Office action mailed June 24, 2010 that requires a reply.

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

Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**SCHWABE, WILLIAMSON & WYATT, P.C.**  
**1420 FIFTH AVENUE, SUITE 3400**  
**SEATTLE WA 98101-4010**

**MAILED**

**NOV 05 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Jean Barbier :  
Application No. 12/415,507 : **DECISION ON PETITION**  
Filed: March 31, 2009 : **TO WITHDRAW FROM RECORD**  
Attorney Docket No. 109893-163742 :  
:

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

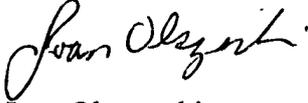
The request was signed by Al AuYeung on behalf of all attorneys of record who are associated with Customer Number 60172.

All attorneys/agents associated with the Customer Number 60172 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed June 24, 2010 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: Jean Barbier  
12 allée de Amaryllis  
Montpellier, France 34070



**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>
12/415,549	31 March, 2009	LAZARAVICH ET AL.	35700.1317

SNELL & WILMER L.L.P. (Main) 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202	<b>EXAMINER</b>	
	DON LE	
	<b>ART UNIT</b>	<b>PAPER</b>
	2819	20111010

**DATE MAILED:**

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

**Commissioner for Patents**

Petition to correct inventorship filed 11/5/2010 is hereby approved.

/Don P Le/  
Primary Examiner, Art Unit 2819  
10/10/2011



## UNITED STATES 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 : October 17,2011

In re Application of :

Brock Brenize

Application No : 12415559

Filed : 31-Mar-2009

Attorney Docket No : 34561.00001

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 October 17,2011

The request is **APPROVED**.

The request was signed by Glenn M. Massina (registration no. 40081 ) on behalf of all attorneys/agents associated with Customer Number 33941 . All attorneys/agents associated with Customer Number 33941 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 Brock A. Brenize  
Name2  
Address 1 280 Cloverhill Road  
Address 2  
City Newburg  
State PA  
Postal Code 17240  
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	12415559	
Filing Date	31-Mar-2009	
First Named Inventor	Brock Brenize	
Art Unit	3671	
Examiner Name	ROBERT PEZZUTO	
Attorney Docket Number	34561.00001	
Title	Method and Apparatus for Retaining Wall Boss	
<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:		33941
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	Brock A. Brenize	
Address	280 Cloverhill Road	
City	Newburg	
State	PA	
Postal Code	17240	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Glenn M. Massina/
Name	Glenn M. Massina
Registration Number	40081



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BANNER & WITCOFF, LTD  
ATTORNEYS FOR CLIENT 004770  
1100 13TH STREET  
SUITE 1200  
WASHINGTON DC 20005-4051

**MAILED**  
**MAR 05 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Bouazizi :  
Application No. 12/415,561 : ON PETITION  
Filed: March 31, 2009 :  
Attorney Docket No. 004770.02226 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned December 16, 2011 for failure to timely submit a proper reply in response to the final Office action mailed June 15, 2011. Notice of Abandonment was mailed January 4, 2012.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

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

This application is being referred to Technology Center AU 2451 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

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

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**POLANSKY & ASSOCIATES, P.L.L.C.**  
**12117 FM 2244 3-160**  
**AUSTIN, TX 78738**

**MAILED**  
**FEB 29 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Leppert et al. : **DECISION ON PETITION**  
Application No. 12/415,565 : **TO WITHDRAW**  
Filed: March 31, 2009 : **FROM RECORD**  
Attorney Docket No. 3025.008US1 :

This is a decision on the Request to Withdraw as Attorney or Agent of Record under 37 C.F.R. § 1.36(b), filed February 6, 2012.

The request is **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 89320 was revoked by the assignee of the patent application on February 23, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: CESARI & REED, L.L.P.  
P.O. BOX 9669  
AUSTIN TX 78766



(WEATHERFORD) WONG CABELLO LUTSCH RUTHERFORD &  
BRUCCULERI LLP  
20333 TOMBALL PARKWAY, 6TH FLOOR  
HOUSTON TX 77070

**MAILED**

NOV 17 2011

In re Application	:	<b>OFFICE OF PETITIONS</b>
Rebecca Caldwell et al.	:	
Application No. 12/415,571	:	<b>DECISION ON APPLICATION</b>
Filed: March 31, 2009	:	<b>FOR PATENT TERM ADJUSTMENT</b>
Attorney Docket No. 205-0104US	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT", filed November 9, 2011. Applicants request that the calculation of delay attributed to Applicant be recalculated and that the adjustment at the time of the mailing of the Notice of Allowance be corrected.

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 is TWO HUNDRED SEVENTEEN (217) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 7, 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 181 days. The instant application for patent term adjustment was timely filed<sup>1</sup>. Applicants dispute the reduction of 36 days of PTA for applicant delay in filing an Information Disclosure Statement (IDS) on September 21, 2011 after the filing of a response to non-Final Office Action on August 16, 2011.

Applicants specifically state that the patent issuing from the application is not subject to a terminal disclaimer.

A review of the record reveals that on August 16, 2011 applicants filed a response to the non-Final Office action mailed May 19, 2011. Then on September 21, 2011, applicants filed the Information Disclosure Statement (IDS). Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution. The record does not support a conclusion that the IDS was expressly requested by the

<sup>1</sup> PALM records indicate that the Issue Fee has not been paid yet.

examiner. Accordingly, filing of the IDS may be considered a failure to engage and a proper basis for reduction.

However, the record supports a conclusion that the IDS was received September 21, 2011 with a 37 CFR 1.704(d) statement.

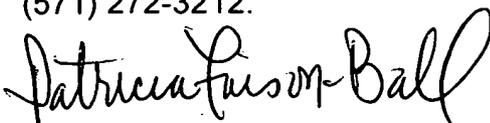
37 CFR 1.704(d) provides that a paper containing only an information disclosure statement in compliance with 37 CFR 1.97 and 1.98 will not be considered (result in a reduction) under 37 CFR 1.704(c)(6), 1.704(c)(8), 1.704(c)(9), or 1.704(c)(10) if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This provision will permit applicants to submit information first cited in a communication from a foreign patent office in a counterpart application to the Office without a reduction in patent term adjustment if an information disclosure statement is promptly (within thirty days of receipt of the first communication) submitted to the Office. Compliance with the statement requirement of 37 CFR 1.704(d) does not substitute for compliance with any relevant requirement of 37 CFR 1.97 or 1.98. 37 CFR 1.704(d) also provides that this thirty-day period is not extendable unless expressly requested by the examiner, within the meaning of § 1.704(c)(8). Accordingly, no reduction is warranted.

In view thereof, no reduction should have been taken for the filing of the IDS after the mailing of the response to the non-Final Office Action on August 16, 2011.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the 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 decision should be directed to the undersigned at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of Revised PALM Screen



PTA/PTE Information    Patent Term Adjustment    Patent Term Extension

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

**PTA Calculations for Application: 12415571**

Application Filing Date	03/31/2009	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	276
A Delays	276	PTO Manual Adjustment	36
B Delays	0	Applicant Delay (APPL)	95
C Delays	0	Total PTA (days)	217

\* - Sorted Column

**File Contents History**

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
55	11/16/2011		P028	Adjustment of PTA Calculation by PTO	36	0	
50	11/07/2011		MN/=	Mail Notice of Allowance		0	
49	11/03/2011		OAR	Office Action Review		0	
48	11/03/2011		OAR	Office Action Review		0	
47	11/03/2011		IREV	Issue Revision Completed		0	
46	11/03/2011		DVER	Document Verification		0	
45	11/03/2011		N/=	Notice of Allowance Data Verification Completed		0	
44	11/01/2011		OAR	Office Action Review		0	
43	11/01/2011		OAR	Office Action Review		0	
42	11/01/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing		0	
41	10/27/2011		EX.A	Examiner's Amendment Communication		0	
40	10/27/2011		CNTA	Allowability Notice		0	
37	09/21/2011		IDSC	Information Disclosure Statement considered		0	
36	09/21/2011	08/16/2011	EIDS	Electronic Information Disclosure Statement		36	33
35	09/21/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
34	08/25/2011		FWDX	Date Forwarded to Examiner		0	
33	08/16/2011		A...	Response after Non-Final Action		0	
32	05/19/2011		MCTNF	Mail Non-Final Rejection		0	
31	05/19/2011		CTNF	Non-Final Rejection		0	
30	05/13/2011		IDSC	Information Disclosure Statement considered		0	
29	05/13/2011	03/15/2011	EIDS	Electronic Information Disclosure Statement		59	20
28	05/13/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
22	03/29/2011		DOCK	Case Docketed to Examiner in GAU		0	
21	03/17/2011		FWDX	Date Forwarded to Examiner		0	
20	03/15/2011		ELC	Response to Election / Restriction Filed		0	
19	03/03/2011	05/31/2010	MCTRS	Mail Restriction Requirement	276	0.5	
18	02/28/2011		CTRS	Restriction/Election Requirement		0	
17	09/30/2010		PG-ISSUE	PG-Pub Issue Notification		0	
23	09/10/2010		IDSC	Information Disclosure Statement considered		0	
16	09/10/2010		EIDS	Electronic Information Disclosure Statement		0	
15	09/10/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
14	11/06/2009		DOCK	Case Docketed to Examiner in GAU		0	
11	08/24/2009		C.ADB	Correspondence Address Change		0	
10	08/11/2009		C.ADB	Correspondence Address Change		0	
9	06/12/2009		PA..	Change In Power of Attorney (May Include Associate POA)		0	
8	05/08/2009		OIPE	Application Dispatched from OIPE		0	
7	04/16/2009		PA..	Change In Power of Attorney (May Include Associate POA)		0	
6	04/16/2009		PGPC	Sent to Classification Contractor		0	
5	04/16/2009		FLRCPT.O	Filing Receipt		0	
24	04/03/2009		IDSC	Information Disclosure Statement considered		0	
13	04/03/2009		RCAP	Reference capture on IDS		0	
12	04/03/2009		M844	Information Disclosure Statement (IDS) Filed		0	
4	04/03/2009		WIDS	Information Disclosure Statement (IDS) Filed		0	
3	04/03/2009		L194	Cleared by OIPE CSR		0	
2	04/01/2009		SCAN	IFW Scan & PACR Auto Security Review		0	
1	03/31/2009		IEXX	Initial Exam Team nn		0	
0.5	03/31/2009		EFILE	Filing date		0	

Export to: [Excel](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO CA 92656

**MAILED**  
**SEP 28 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Smith, et al. :  
Application No. 12/415,585 : **DECISION ON PETITION**  
Filed: 31 March, 2009 :  
Attorney Docket No. JS MIT-006C :

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

The petition is **DISMISSED**.

The petition is not accompanied by a proper amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications. (The amendment contains an improper incorporation by reference.)

A petition for acceptance of a claim for late priority under 37 C.F.R. §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 C.F.R. §1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §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 C.F.R. §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 instant application was filed on 31 March, 2009. Office records reflect that the new claim was presented in an amendment on 23 August, 2011.

Application No. 12/415,585

However, it appears that the amendment to the specification submitted contains an effort to gain priority to an application that was not copending—to wit: Application No. 11/328,522, which went abandoned after midnight 2 November, 2008, for failure to file a timely and proper reply to the Panel Decision from Pre-Appeal Review, mailed on 2 October, 20108, with reply due on or before 2 November, 2008. (The required reply was an appeal brief and fee.)

As noted above, the petition does not comply with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference. The surcharge and statement were submitted.

Thus, the petition lacks item (1), above.

Because the record does not support Petitioner's attempt to identify the priority claimed, the amendment fails to comply with the provisions of 37 C.F.R. §1.78(a)(2)(i) and is therefore unacceptable.

Accordingly, before the petition under 37 C.F.R. §1.78 can be granted, a renewed petition under 37 C.F.R. §1.78 and either an Application Data Sheet or a substitute amendment (complying with 37 C.F.R. §1.121 and 37 C.F.R. §1.76(b)(5)) correcting the priority claims made are required.

Questions concerning this matter may be directed to John Gillon at (571) 272-3214. 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 AU 1644 for further processing in due course.



Chris Bottorff  
Supervisory Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STETINA BRUNDA  
GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO CA 92656

**MAILED**  
**JAN 3 1 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Smith, et al. :  
Application No. 12/415,585 : **DECISION ON PETITION**  
Filed: 31 March, 2009 :  
Attorney Docket No. JSMIT-006C :

This is a decision on the petition pursuant to 37 C.F.R. §1.78(a)(3), filed on 6 October, 2011, to accept an unintentionally delayed claim pursuant to 35 U.S.C. §120 for benefit of priority to the prior-filed application set forth in the previously or concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority pursuant to 37 C.F.R. §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 C.F.R. §1.78(a)(2)(ii). In addition, the petition pursuant to 37 C.F.R. §1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §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 pursuant to 37 C.F.R. §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 instant application was filed on 31 March, 2009.

Office records reflect that a new claim initially was presented in an amendment on 23 August, 2011.

However, the amendment of that date was incorporated into the petition, and so failed to constitute a proper reference as required under the Rule. Moreover, at that time Petitioner sought to gain priority to an application that was not copending—to wit: Application No. 11/328,522, which went abandoned

Application No. 12/415,585

after midnight 2 November, 2008, for failure to file a timely and proper reply to the Panel Decision from Pre-Appeal Review, mailed on 2 October, 2010, with reply due on or before 2 November, 2008. (The required reply was an appeal brief and fee.) The petition was dismissed on 28 September, 2011.

On 6 October, 2011, Petitioner re-advanced his petition and cured the copendency issue.

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 C.F.R. 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 37 C.F.R. 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

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

This application is being released to the Technology Center/AU for further processing and the Examiner's consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §120 to the above-noted, prior-filed applications.

Questions concerning this decision on petition may be directed to John J. Gillon, Jr. attorney, at (571) 272-3214.

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



Christopher Bottorff  
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 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: 12/415,585, 03/31/2009, 1644, 462, JSMIT-006C, 14, 1

CONFIRMATION NO. 2944

CORRECTED FILING RECEIPT



7663
STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

Date Mailed: 01/31/2012

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)

Henry J. Smith, Temecula, CA;
James R. Smith, Laguna Niguel, CA;

Power of Attorney: The patent practitioners associated with Customer Number 007663

Domestic Priority data as claimed by applicant

This application is a CON of 11/328,522 01/10/2006 ABN
which claims benefit of 60/643,117 01/12/2005

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: 04/13/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/415,585

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

TREATMENT FOR PRE-ECLAMPSIA IN PREGNANT WOMEN USING TARGETED APHERESIS

**Preliminary Class**

424

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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

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

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

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

#### **NOT GRANTED**

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

---

### **SelectUSA**

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).



DITTHAVONG MORI & STEINER, P.C.  
918 PRINCE STREET  
ALEXANDRIA VA 22314

**MAILED**  
**NOV 01 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 8,029,213 :  
Issued: October 4, 2011 :  
Application No. 12/415,603 : **ON PETITION**  
Filed: March 31, 2009 :  
Attorney Docket Number: P2491US00 :

This is a decision on the petition, filed October 20, 2011, under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee information on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the correct assignee information is SUMITOMO ELECTRIC HARDMETAL CORP. and that the PTOL-85(b) inadvertently listed the assignee information incorrectly. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee information on the front 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.

<sup>1</sup> See Official Gazette of June 22, 2004

The request was accompanied by a certificate of correction as required by 3.81(b). Further, Office assignment records reflect that SUMITOMO ELECTRIC HARDMETAL CORP. is the assignee of record and that it should have been listed as SUMITOMO ELECTRIC HARDMETAL CORP. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The fee for the certificate of correction in the amount of \$130 has been charged to the credit card provided. The petition fee in the amount of \$100 has been charged to deposit account no. 50-4213 as authorized in the petition.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

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

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**

OCT 06 2011

**OFFICE OF PETITIONS**

In re Application of :  
John D. Joannopoulos, et al. :  
Application No. 12/415,655 : DECISION GRANTING PETITION  
Filed: March 31, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 01997-0359004/MIT :  
CASE NO :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 5, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on August 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 concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2836 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.*



Foley Hoag, LLP  
Patent Group, World Trade Center West  
155 Seaport Blvd.  
Boston, MA 02110

**MAILED**

AUG 01 2011

**OFFICE OF PETITIONS**

In re Application of  
Senthil Periaswamy et al.  
Application No. 12/415,664  
Filed: March 31, 2009  
Attorney Docket No. ICD-02901

:  
:  
:  
:  
:  
:  
:

**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 11, 2011.

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

A review of the file record indicates that the power of attorney to Foley Hoag, LLP, has been revoked by the assignee of the patent application on July 22, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Loginov & Associates, PLLC  
10 Water Street  
Concord, NH 03301



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
12/415,664	03/31/2009	Senthil Periaswamy	ICD-02901

25181  
FOLEY HOAG, LLP  
PATENT GROUP, WORLD TRADE CENTER WEST  
155 SEAPORT BLVD  
BOSTON, MA 02110

**CONFIRMATION NO. 3060**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 07/27/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/22/2011.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH NC 27627

**MAILED**  
**AUG 23 2011**  
**OFFICE OF PETITIONS**

In re Patent No. 7,982,794 :  
Issue Date: July 19, 2011 :  
Application No. 12/415,679 : **DECISION ON REQUEST**  
Filed: March 31, 2009 :  
Attorney Docket No. 9342-285CT :

This is a decision on the Urgent Request To Replace EFS ID No. 10290270, filed June 15, 2011, requesting to print correct assignee's name --Sony Ericsson **Mobile** Communications AB -- as the correct assignee name to the Title Page of the Patent via a Certificate of Correction. The request is being treated as a Request Under 37 CFR §1.322(a) for which no fee is required.

The petition under 37 CFR §1.322(a) is **GRANTED**.

Requestor urges that the correct assignee's name --Sony Ericsson **Mobile** Communications AB-- be printed on the Title Page of the patent. Requestor is requesting that the Title Page of the above-identified patent show --Sony Ericsson **Mobile** Communications AB--as the correct assignee's name on the Title Page of the patent.

A review of Office records of the above-identified patent shows that the requestor submitted the first Fee(s) Transmittal Form PTOL-85(b) at the time of payment of the issue fee. Thereafter, requestor filed a 'Corrective Submission' of the Fee(s) Transmittal Form PTOL-85(b) immediately following the first incorrect submission. Accordingly, the corrective submitted Issue Fee Transmittal Form was filed timely and the correct assignee's name clearly appears on the Front Page of the above-identified patent.

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

Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKE BILLIG & CZAJA  
FIFTH STREET TOWERS  
100 SOUTH FIFTH STREET, SUITE 2250  
MINNEAPOLIS, MN 55402

**MAILED**

AUG 10 2010

OFFICE OF PETITIONS

In re Application of :  
Manfred Mengel et al :  
Application No. 12/415,770 :  
Filed: March 31, 2009 :  
Attorney Docket No. I446.235.101/I0876US :  
DECISION NOTING JOINDER  
OF INVENTORS AND PETITION  
UNDER 37 CFR 1.47 (a) MOOT

Papers filed on February 17, 2010 is being treated as a petition under 37 CFR 1.47(a), which include a Declaration signed by inventor Louis Vervoort is in compliance with 37 CFR 1.63.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47 (a) is moot; this application does not have any rule 1.47 (a) status. This application need not be returned to this office for any further consideration under 37 CFR 1.47 (a).

This matter is being referred to Technology Center AU 2811 for examination in due course.

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

  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**

NOV 03 2011

In re Application of : **OFFICE OF PETITIONS**  
Miya et al. :  
Application No. 12/415,821 : **DECISION ON PETITION**  
Filed: 03/31/2009 : **UNDER 37 CFR 1.78(a)(3)**  
Attorney Docket No. 1716-0112PUS1 :

This is a decision on the petition filed on May 26, 2010, which is treated as a petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed nonprovisional application, as set forth in the concurrently filed amendment.<sup>1</sup>

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

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

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

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

<sup>1</sup> It is noted that the application data sheet filed on May 26, 2010, with the present petition is improper because it is unsigned. Nevertheless, as the concurrently-filed amendment contains a proper claim of benefit to the prior-filed international application, the petition may be granted.

statement in the petition varies from the required language, the statement will be construed as the statement required by 37 CFR 1.78(a)(3). Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

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

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

This application is forwarded to Technology Center Art Unit 2818 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed application.



Boris Milef  
PCT Legal Examiner  
Office of PCT Legal Administration

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: 12/415,821, 03/31/2009, 2818, 1970, 1716-0112PUS1, 15, 4

CONFIRMATION NO. 3307

CORRECTED FILING RECEIPT

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747



Date Mailed: 11/03/2011

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)

- Hironobu Miya, Toyama-shi, JAPAN;
Kazuyuki Toyoda, Toyama-shi, JAPAN;
Norikazu Mizuno, Toyama-shi, JAPAN;
Taketoshi Sato, Toyama-shi, JAPAN;
Masanori Sakai, Takaoka-shi, JAPAN;
Masayuki Asai, Toyama-shi, JAPAN;
Kazuyuki Okuda, Toyama-shi, JAPAN;
Hideki Horita, Toyama-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 2292

Domestic Priority data as claimed by applicant

This application is a CON of 11/666,360 11/30/2007 PAT 7,779,785 which is a 371 of PCT/JP2006/302659 02/15/2006

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.)

JAPAN 2005-040501 02/17/2005

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper Request to Retrieve Electronic Priority Application(s) (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 05/15/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/415,821**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

METHOD OF PRODUCING SEMICONDUCTOR DEVICE

**Preliminary Class**

438

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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

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

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

**NOT GRANTED**

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

A LAW FIRM, P.C.  
8753 YATES DRIVE  
SUITE 215  
WESTMINSTER CO 80031

**MAILED**

SEP 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Price, Richard J.	:	DECISION ON PETITION
Application No. 12/415,825	:	TO WITHDRAW
Filed: March 31, 2009	:	FROM RECORD
Attorney Docket No. 153-1-0001-Y	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 31, 2011.

The request is **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 Aileen Law on behalf of all attorneys/agents of record who are associated with Customer Number 65104. All attorneys/agents associated with Customer Number 65104 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, Richard J. Price, 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/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: RICHARD J. PRICE  
150 6TH DRIVE SW  
VERO BEACH FL 32962



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes sub-tables for EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE.

7590 10/06/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

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 Arnes
Patent Publication Branch
Office of Data Management

0212039289

Adjustment date: 10/06/2010 MFARMEK
04/01/2009 INTERCOM 02084876 16403211
02 FC:1111 -246.00 02

Credit Card Refund Total: 6540.22

Master Card \*\*\*\*\*



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAILED**

**APR 21 2011**

**OFFICE OF PETITIONS**

**BOZICEVIC, FIELD & FRANCIS LLP  
1900 UNIVERSITY AVENUE  
SUITE 200  
EAST PALO ALTO CA 94303**

In re Application of :

WELLER, Michael :

Application No. 12/415,916 :

Filed: March 31, 2009 :

Attorney Docket No. NGIO-001CON :

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 07, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

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

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

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **NICOLAS HERNANDEZ  
SHERWOOD PARTNERS, LLC  
1100 LA AVENIDA STREET, BUILDING A  
MOUNTAIN VIEW CA 94043**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

KYOCERA INTERNATIONAL INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
P.O. BOX 928289  
SAN DIEGO CA 92192

**MAILED**  
AUG 09 2010  
OFFICE OF PETITIONS

In re Application of :  
Britton et al. :  
Application No.: 12/415928 : DECISION ON  
Filing or 371(c) Date: 03/31/2009 : PETITION  
Attorney Docket Number: UTL 00906 :

This is a decision in response to the petition under 37 CFR 1.137(b), to revive the present application, filed March 29, 2010, and supplemented April 1, 2009, with an Additional Inventors page 1 of 2 executed by inventor Rhon Manlapaz.

This Petition is hereby **dismissed**.

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

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed April 29, 2009. The Notice required a properly signed oath or declaration, additional claim fees, and a late filing oath or declaration surcharge. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on December 22, 2009, including a request and fee for a five (5) month extension of time; however, the maximum period for reply including an extension of time expired midnight November 21, 2009. No complete and proper (timely) reply having been received, the application became abandoned June 22, 2009. A Notice of Abandonment was mailed September 14, 2009.

Applicant files the present petition and includes an oath/declaration and an Additional Inventors page 1 of 2 executed by inventor Rhon Manlapaz.

Applicable Law, rules and Manual of Patent Examining Procedure (MPEP)

**A Grantable Petition Under 37 CFR 1.137(b)**

A grantable petition pursuant to this paragraph 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 § 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 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 § 1.20(d)) required pursuant to paragraph (d) of this section.

The present petition lacks item (1).

As to item (1), an Additional Inventors page 1 of 2 executed by inventor Rhon Manlapaz has been filed; however, what is required is an oath/declaration executed by inventor Manlapaz.

A complete Supplemental oath/declaration executed by inventor Manlapaz is required.

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.

/Derek L. Woods/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 09 2010

OFFICE OF PETITIONS

KYOCERA INTERNATIONAL INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
P.O. BOX 928289  
SAN DIEGO CA 92192

In re Application of :  
Britton et al. :  
Application No.: 12/415928 : DECISION ON  
Filing or 371(c) Date: 03/31/2009 : PETITION  
Attorney Docket Number: UTL 00906 :

This is a decision in response to the petition under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s), filed March 29, 2010, and supplemented April 1, 2009, with an Additional Inventors page 1 of 2 executed by inventor Rhon Manlapaz.

This Petition is hereby **dismissed**.

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

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed April 29, 2009. The Notice required a properly signed oath or declaration, additional claim fees, and a late filing oath or declaration surcharge. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on December 22, 2009, including a request and fee for a five (5) month extension of time; however, the maximum period for reply including an extension of time expired midnight November 21, 2009. No complete and proper (timely) reply having been received, the application became abandoned June 22, 2009. A Notice of Abandonment was mailed September 14, 2009.

Applicant files the present petition and includes an Additional Inventors page 1 of 2 executed by inventor Rhon Manlapaz.

Applicable Law, rules and Manual of Patent Examining Procedure (MPEP)

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with

the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

The present petition lacks item (2).

As to item (2), an Additional Inventors page 1 of 2 executed by inventor Rhon Manlapaz has been filed; however, what is required is an oath/declaration executed by inventor Manlapaz.

A Supplemental oath/declaration executed by inventor Manlapaz is required.

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.

/Derek L. Woods/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

KYOCERA INTERNATIONAL INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
P.O. BOX 928289  
SAN DIEGO CA 92192

**MAILED**  
**MAR 31 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Britton et al. :  
Application No.: 12/415928 : DECISION ON  
Filing or 371(c) Date: 03/31/2009 : PETITION  
Attorney Docket Number: UTL 00906 :

This is a decision in response to the renewed petition under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s), filed March 9, 2011, including an oath/declaration noting the joinder of the previously nonsigning inventor.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the Petition is considered to be moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The Declaration has been entered and made of record.

The extension of time fees, \$2,350.00, filed December 22, 2009, were filed after the maximum extendable period for filing a reply had expired. However, the \$200.00 fee for the petition under 37 CFR 1.47(a), filed March 29, 2010, has been deducted from the extension of time fees and the balance, \$2,150, has been refunded to petitioner via credit card.

This application is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

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

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

KYOCERA INTERNATIONAL INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
P.O. BOX 928289  
SAN DIEGO CA 92192

**MAILED**  
**MAR 31 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Britton et al. :  
Application No.: 12/415928 : DECISION ON  
Filing or 371(c) Date: 03/31/2009 : PETITION  
Attorney Docket Number: UTL 00906 :

This is a decision on the Renewed Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed March 9, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed April 29, 2009. The Notice required a properly signed oath or declaration, additional claim fees, and a late filing oath or declaration surcharge. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on December 22, 2009, including a request and fee for a five (5) month extension of time; however, the maximum period for reply including an extension of time expired midnight November 21, 2009. No complete and proper (timely) reply having been received, the application became abandoned June 22, 2009. A Notice of Abandonment was mailed September 14, 2009.

Applicant files the present petition and oath/declaration in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in the normal course of business.

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

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DUKE W. YEE  
YEE & ASSOCIATES, P.C.  
P.O. BOX 802333  
DALLAS TX 75380

**MAILED**

**SEP 30 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Munk, et al. :  
Application No. 12/416,024 : **DECISION ON PETITION**  
Filed: March 31, 2009 : **UNDER 37 CFR 1.78(a)(3)**  
Attorney Docket No. 95-317E :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 23, 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 non-provisional applications set forth in the amendment filed March 7, 2011, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. 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 3726 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.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
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: 12/416,024, 03/31/2009, 3726, 4346, 95-317E, 53, 10

CONFIRMATION NO. 3645

CORRECTED FILING RECEIPT



63759
DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

Date Mailed: 09/29/2011

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)

Clayton L. Munk, Maple Valley, WA;
Paul E. Nelson, University Place, WA;
David E. Strand, Newcastle, WA;

Assignment For Published Patent Application

THE BOEING COMPANY, Chicago, IL

Power of Attorney: The patent practitioners associated with Customer Number 63759

Domestic Priority data as claimed by applicant

This application is a CON of 10/867,398 06/14/2004 PAT 7,509,740
which is a CON of 10/001,536 11/13/2001 PAT 6,808,143
which is a CON of 09/155,251 09/21/1998 PAT 6,314,630
which is a 371 of PCT/US97/04550 03/21/1997
and claims benefit of 60/013,986 03/22/1996

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

UNITED STATES OF AMERICA PCT/US97/04550 03/21/1997

If Required, Foreign Filing License Granted: 04/09/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/416,024

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Determinant Wing Assembly

**Preliminary Class**

029

**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	12416037	
Filing Date	31-Mar-2009	
First Named Inventor	Eric Hendrickx	
Art Unit	2825	
Examiner Name	ERIC LEE	
Attorney Docket Number	10556-REG1/RAD	
Title	Inverse Lithography For High Transmission Attenuated Phase Shift Mask Design And Creation	
<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:		58377
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	IMEC vzw c/o Belinda Hupko	
Address	Kapeldreef 75	
City	3301 Haverlee	
State		
Postal Code		
Country	BE	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Richard A Dyer/
Name	Richard A Dyer
Registration Number	60328



## UNITED STATES 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 : August 15,2011

In re Application of :

Eric Hendrickx

Application No : 12416037

Filed : 31-Mar-2009

Attorney Docket No : 10556-REG1/RAD

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 15,2011

The request is **APPROVED**.

The request was signed by Richard A Dyer (registration no. 60328 ) on behalf of all attorneys/agents associated with Customer Number 58377 . All attorneys/agents associated with Customer Number 58377 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 IMEC vzw  
Name2 c/o Belinda Hupko  
Address 1 Kapeldreef 75  
Address 2  
City 3301 Haverlee  
State  
Postal Code  
Country BE

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

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

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/416,094	03/31/2009	Eyal Bar-sadeh	N00087	3774
76324	7590	04/12/2012	EXAMINER	
LEMOINE PATENT SERVICES, PLLC PO BOX 307 LONG LAKE, MN 55356-0307			SNOW, COLLEEN ERIN	
			ART UNIT	PAPER NUMBER
			2813	
			NOTIFICATION DATE	DELIVERY MODE
			04/12/2012	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):

DLEMOINE@LEMOINEPATENT.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

April 12, 2012

LEMOINE PATENT SERVICES, PLLC  
PO BOX 307  
LONG LAKE MN 55356-0307

In re Application of :  
Eyal Bar-Sadeh et al. : **DECISION ON PETITION**  
Application No. 12416094 :  
Filed: 3/31/2009 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. N00087 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 30, 2009.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/  
Office of Data Management  
Publications Branch

**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:	12/416,152	Filing date:	April 1, 2009
-----------------	------------	--------------	---------------

First Named Inventor:	Simon J. Baker
-----------------------	----------------

Title of the Invention:	CLUSTERING VIDEOS BY LOCATION
-------------------------	-------------------------------

**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/US10/29709

**The international filing date of the corresponding PCT application(s) is/are:** April 1, 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.



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.
12/416,152	04/01/2009	Simon J. Baker	326103.01	3874
69316	7590	05/04/2011	EXAMINER	
MICROSOFT CORPORATION			AHMED, SAMIR ANWAR	
ONE MICROSOFT WAY			ART UNIT	PAPER NUMBER
REDMOND, WA 98052			2624	
			NOTIFICATION DATE	DELIVERY MODE
			05/04/2011	ELECTRONIC

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

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

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

vffiling@microsoft.com  
stevensp@microsoft.com  
ntovar@MICROSOFT.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICROSOFT CORPORATION  
ONE MICROSOFT WAY  
REDMOND WA 98052

In re Application of :  
BAKER, SIMON J. et al. : DECISION ON REQUEST TO  
Application No. 12/416,152 : PARTICIPATE IN PATENT  
Filed: April 1, 2009 : PROSECUTION HIGHWAY  
Attorney Docket No. 326103.01 : 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 21, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and
- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s).

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/

---

Doris To  
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

**SMITH INTERNATIONAL INC.**  
**Patent Services**  
**1310 Rankin Rd.**  
**HOUSTON TX 77073**

**MAILED**  
**AUG 29 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Bala Durairjan, et al. :  
Application No. 12/416,202 : **DECISION GRANTING PETITION**  
Filed: April 1, 2009 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. 07-GD89(1) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 25, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on August 4, 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 3672 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.

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	12416258
Filing Date	01-Apr-2009
First Named Inventor	Tomoya Sakaguchi
Art Unit	2835
Examiner Name	NGUYEN HA
Attorney Docket Number	MURA-45105
Title	LAMINATED CERAMIC ELECTRONIC COMPONENT

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	/Aaron A. Fishman/
Name	Aaron A. Fishman
Registration Number	44682



## UNITED STATES 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 : April 15,2011

In re Application of :

Tomoya Sakaguchi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12416258

Filed : 01-Apr-2009

Attorney Docket No : MURA-45105

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 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 2835 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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.

A Certificate of Correction will be issued for the remaining errors.

**Omega Lewis**  
For Mary Diggs  
Decisions & Certificates  
of Correction Branch  
(703)756-1575 or (703) 756-1814

MCGLEW & TUTTLE, PC  
P.O. BOX 9227  
SCARBOROUGH STATION  
SCARBOROUGH NY 10510-9227

**OL**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCGLEW & TUTTLE, PC  
P.O. BOX 9227  
SCARBOROUGH STATION  
SCARBOROUGH NY 10510-9227

**MAILED**

**MAY 18 2011**

**OFFICE OF PETITIONS**

In re Patent No. 7,829,733 :  
Issue Date: November 9, 2010 :  
Application No. 12/416,353 : **DECISION ON PETITION**  
Filed: April 1, 2009 :  
Attorney Docket No. 73321 :

This is a decision on the Request To Correct Assignee Under 37 CFR 3.81(b) and Request For Certificate Of Correction Under 37 CFR §1.323, filed January 6, 2011, which is being treated as a Petition Under 37 CFR §3.81(b) to add --Orient Chemical Industries Co., Ltd., Osaka (JP)-- as the correct assignee name to the Title Page of the Patent via a Certificate of Correction.

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

Petitioner requests that the present Petition was submitted to add the correct --Orient Chemical Industries Co., Ltd., Osaka (JP)-- on the previously submitted PTOL-85B and such error was inadvertent.

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. 7,829,733  
Application No. 12/416,353  
Decision on Petition under 37 CFR §3.81(b)

Page 2

U.S. Patent and Trademark Office assignment records disclose that an assignment *Orient Chemical Industries Co., Ltd.* was submitted for recordation on November 29, 2010. Therefore, the recorded assignment was **after the date of issuance of this patent**. Notwithstanding, the critical date in §3.81(b) is the date of submission for recordation, not the date the assignment was, in fact, executed. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certification of correction would not be proper.

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

  
Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions



HENNEMAN & ASSOCIATES, PLC  
70 N. MAIN ST.  
THREE RIVERS MI 49093

**MAILED**  
**OCT 13 2010**  
**OFFICE OF PETITIONS**

In re Application of  
Charles H. Moore  
Application No. 12/416,433  
Filed: April 1, 2009  
Attorney Docket No. 0057-036

:  
:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(b)  
:

This decision is in response to the request for reconsideration filed May 10, 2010 under 37 CFR 1.47(b).<sup>1</sup>

The petition is **GRANTED**.

The above-identified application was filed on April 1, 2009 without an oath or declaration. Accordingly, on April 14, 2009, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring, *inter alia*, an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The Notice set a two month reply due date.

In response, a petition was filed September 14, 2009 with a three month extension of time, seeking status under 37 CFR 1.47(b) and arguing that the sole inventor refused to sign the declaration. The petition was dismissed in a decision mailed October 8, 2009 because the petition did not include a properly executed oath or declaration and proof of proprietary interest.

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

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

---

<sup>1</sup>A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

In response to the decision dismissing the petition filed September 14, 2009, petitioner provides proof of proprietary interest and clarifies that an addendum to the oath or declaration executed by F. Eric Saunders VP and Chief Intellectual Property Officer Technology Properties Limited LLC, for the assignee and on behalf of the non-signing inventor, Charles H. Moore, including a statement under 37 CFR 3.73(b) has been presented.

All requirements under 37 CFR 1.47(b) therefore having been met, as provided in Rule 1.47( c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 2824 for examination in due course.

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



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**

**DEC 13 2011**

**OFFICE OF PETITIONS**

In re Application of :  
RITTER, et al :  
Application No. 12/416,469 : **DECISION ON PETITION**  
Filed: April 1, 2009 :  
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before October 12, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 12, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 13, 2011. A Notice of Abandonment was mailed October 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1740 and publication fee of \$300; (2) the petition fee of \$1860; and (3) a statement of unintentional delay.

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent Venture Group  
10788 Civic Center Drive, Suite 215  
Rancho Cucamonga CA 91730-3805

**MAILED**

**JAN 19 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Peterson, et al. :  
Application No. 12/416,471 : **RESPONSE TO PETITION**  
Filed: April 1, 2009 :  
Attorney Docket No. 60843.300301 :

This is a decision on the petition under 37 CFR 1.59, filed October 5, 2011, requesting that statements in an Office action be expunged from the record.

The petition is **dismissed**.

The patent examiner presented information in Office actions mailed January 28, 2011 and July 5, 2011. The petition asserts that some of the statements in the Office actions and all related discussions should not be part of the prosecution record.

37 CFR 1.59 provides for the expungement of information in a patent application, other than the original papers upon which the filing date was granted. However, under the terms of the rule, petitioners "must ...establish to the satisfaction of the Director that the expungement of the information is appropriate..." See 37 CFR 1.59(b). Under the circumstances of this case, petitioners have not met their burden of proof.

While petitioners may disagree with some of the contents of the contested Office action, the USPTO has long held that a mere difference in opinion does not warrant expungement of part or all of a contested communication from the file record. See, e.g., Ex Parte Fox, 1910 Dec. Commissioner Pat. 123 (Comm'r Pat. 1910). The MPEP makes clear that the expungement of record information should occur in very limited situations. See MPEP 724.05. That particular section of the MPEP and referenced-sections (e.g., MPEP § 724.02) address the following types of information as subject (or susceptible) to possible expungement:

- 1) trade secret information;
- 2) proprietary information;
- 3) protective order material;
- 4) unintentionally-submitted information; and
- 5) information submitted in a wrong application.

Petitioner has not alleged that the contested Office action includes any trade secret, is proprietary in nature, or is subject to a protective order. It is also evident that the information was not wrongly submitted.

Furthermore, expungement of an Office communication would be justified where an Office communication contained inappropriate statements that were not suitable for retention in the administrative record. Cf. 37 CFR 1.3, which requires that applicants must conduct their business with the USPTO with decorum and courtesy. Even where expungement is warranted under § 1.3 for an Office communication, a redacted version is maintained in the file; only the offensive language is removed.

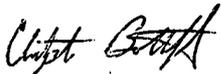
However, in the information to be expunged the examiner presents beliefs regarding the priority rights of the claimed invention. There is no apparent failure by the examiner to conduct business with decorum and courtesy in these statements.

Accordingly, no adequate basis is given or apparent for expunging the contested portions of the Office action, and the USPTO sees no reason to exercise its discretion to deviate from, or expand upon, the above long-established reasons for expungement. See, e.g., Saxbe v. Bustos, 419 U.S. 65, 74 (1974) (acknowledging an agency's right to maintain a "longstanding administrative construction").

Any renewed petition should explain for the record the nature of the contested information. The explanation should be supported by appropriate evidence of the information's trade secret or proprietary nature, or the protective order to which the information is subject.

The USPTO strives to maintain a complete record of proceedings in the prosecution of an application and desires to conduct its business with transparency. Conclusions made by an examiner, with decorum and courtesy, and on the record during the prosecution of the application will not be removed absent substantial justification. The examiner's conclusions may be appealed or otherwise addressed on the record, not expunged, if petitioner considers them to be technically inaccurate.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.



Christopher Bottorff  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOFFMANN & BARON, LLP  
6900 JERICHO TURNPIKE  
SYOSSET, NY 11791

**MAILED**

**APR 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Robert Kevin Jolly :  
Application No. 12/416,494 :  
Filed: April 1, 2009 :  
Attorney Docket No. ULTRA SHALLOW FLOOR :  
BOX :

ON PETITION

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 25, 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 2835 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).



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEPTOE & JOHNSON, PLLC  
400 WHITE OAKS BOULEVARD  
BRIDGEPORT, WV 26330

**MAILED**

**AUG 27 2010**

In re Application of  
Stoney L. Helmick  
Application No. 12/416,565  
Filed: April 1, 2009  
Attorney Docket No. 369020/00002A

**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 July 29, 2010.

The request is **APPROVED**.

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

The request was signed by Michael B. Pallay on behalf of himself. Michael B. Pallay has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARJAMA MULDOON BLASIAK & SULLIVAN LLP  
250 SOUTH CLINTON STREET  
SUITE 300  
SYRACUSE, NY 13202

**MAILED**

OCT 18 2010

In re Application of  
Michael Stone  
Application No. 12/416,578  
Filed: April 1, 2009  
Attorney Docket No. 1547\_002

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 September 9, 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 James R. Muldoon on behalf of all attorneys of record who are associated with customer No. 20874. All attorneys/agents associated with the Customer Number 20874 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 July 20, 2010 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: MICHAEL STONE  
2908 STATE ROUTE 13  
PULASKI, NY 13142



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
12/416,578	04/01/2009	Michael Stone	1547_002

**CONFIRMATION NO. 4674**

**POWER OF ATTORNEY NOTICE**



20874  
MARJAMA MULDOON BLASIAK & SULLIVAN LLP  
250 SOUTH CLINTON STREET  
SUITE 300  
SYRACUSE, NY 13202

Date Mailed: 10/12/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

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

- 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.

/amwise/

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



DICKSTEIN SHAPIRO LLP  
1825 EYE STREET NW  
WASHINGTON DC 20006-5403

**MAILED**

**JUN 17 2011**

**OFFICE OF PETITIONS**

**ON PETITION**

In re Patent No. 7,888,945 :  
Issued: March 16, 2010 :  
Application No. 12/416,640 :  
Filed: February 15, 2011 :  
Attorney Docket Number: A8319.0015/P015-I :  
(PATENT) :

This is a decision on the petition, filed June 2, 2011, under 37 CFR 3.81(b)<sup>1</sup> to correct the assignee information on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the name of a second assignee was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee in the instant matter. Accordingly, petitioner requests that a certificate of correction be issued to reflect the name of Hitachi, Ltd. (Tokyo, Japan) and Shin-Kobe Electric Machinery Co., Ltd. (Tokyo, Japan) on the front page of the Letters Patent.

In view thereof, and since Office assignment records reflect that Hitachi, Ltd. (Tokyo, Japan) and Shin-Kobe Electric Machinery Co., Ltd. (Tokyo, Japan) are the assignees of record as the assignment was recorded with the parent application no. 10/079,423 the request complies with the provisions of 37 CFR 3.81(b) and it is therefore appropriate for a certificate of correction to issue.

The petition fee in the amount of \$130.00 and the fee for the certificate of correction in the amount of \$100 have been applied.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

<sup>1</sup> See Official Gazette of June 22, 2004



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.
12/416,643	04/01/2009	ATSUHISA OHTANI	J-09-0237	4792
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



UNITED STATES 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)

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

In re Application of: A. OHTANI  
Application No. 12/416,643  
Attorney Docket #: **J-09-0237**  
Filed: April 1, 2009  
For: **SYSTEM AND METHOD FOR  
IMPROVED I/O NODE CONTROL IN  
COMPUTER SYSTEM**

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

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

The petition is **GRANTED**.

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

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

- (ii) validly claims priority to a PCT application that contains no priority claims, or
- (iii) contains no priority claim.

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

(2) Applicant must submit a copy of:

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

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

(3) Applicant must:

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

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

(5) Applicant must submit:

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

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

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

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

The petition is **GRANTED**.

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

---

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

**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:	12416666	Filing date:	2009-04-01
-----------------	----------	--------------	------------

First Named Inventor:	Nailong Wu
-----------------------	------------

Title of the Invention:	Multi-Pass Edge Detection of Collimator Blades in Digital Radiography Images
-------------------------	--

**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/US2009/039168

**The international filing date of the corresponding PCT application(s) is/are:** 2009-04-01

**I. List of Required Documents:**

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

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

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

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

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



## Privacy Act Statement

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

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

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



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.
12/416,666	04/01/2009	Nailong Wu	672P006A	4832
28264	7590	01/21/2011	EXAMINER	
BOND, SCHOENECK & KING, PLLC ONE LINCOLN CENTER SYRACUSE, NY 13202-1355			BELLA, MATTHEW C	
			ART UNIT	PAPER NUMBER
			2624	
			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):

bskpto@bsk.com  
gmcguire@bsk.com  
dnocilly@bsk.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

BOND, SCHOENECK & KING, PLLC  
ONE LINCOLN CENTER  
SYRACUSE NY 13202-1355

In re Application of :  
WU, NAILONG : DECISION ON REQUEST TO  
Application No. 12/416,666 : PARTICIPATE IN PATENT  
Filed: April 01, 2009 : PROSECUTION HIGHWAY  
Attorney Docket No. 672P006A : 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 29, 2010 to make the above-identified application special.

The request and petition are **DISMISSED**.

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

- (1) The U.S. application 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 is deficient as follows:

Petitioner has not complied with items 3, 5, and 7 above.

Regarding item 3, petitioner has checked the box on form PTO/SB/20PCT-KR which indicates that a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT/US09/039168 is not attached because the document is already in the US application. However, a review of the file record indicates no copy has been submitted in this instant application. Therefore, Petitioner has not provided a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT/US09/55480.

Regarding item 5, without a copy of all claims indicated as having novelty, inventive step and industrial applicability in the corresponding PCT/US09/039168, it cannot be determined if the claims of the US application sufficiently corresponds to the claims of the PCT application. Also the claims correspondence table filed is blank. Applicant is required to submit a claims correspondence table in English indicating how all the claims in the US application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Regarding item 7, while applicants have submitted an IDS listing documents cited in a WO/ISA international work product, not all documents have been listed. The submitted IDS failed to include the documents, US 2003/0021373 and US 2005/0117694, which were also cited in the WO/ISA. An IDS listing the documents, US2003/0021373 and US 2005/0117694, is required.

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

Any response must be submitted via EFS-web.

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

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

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Name: Wu, Nailong

Docket No. 672P006A

Filed: April 1, 2009

Ser. No. 12/416666

Art Unit: 2624

Confirmation No. 4832

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

Commissioner For Patents  
PO Box 1450  
Alexandria VA 22313-1450

Dear Sir:

In response to the decision dated January 21, 2011, Applicant/Petitioner submits the following:

Regarding Item 3, submitted herewith is a copy of the claims that are novel and which correspond to PCT/US09/55480.

Regarding Item 5, submitted herewith is a completed Claims Correspondence Table.

Regarding Item 7, documents US2003/0021373 and US2005/0117694 were in fact provided on the IDS listing as U.S. Patent No. 6,577,701B2 (published as US2003/0021373 ) to Ukita and U.S. Patent No. 7,016,458 (published as US2005/0117694 ) to Francke.

**Remarks**

IN view of the foregoing response and accompanying documents, Applicant's Petition is now believed to be in order and the Commissioner reconsideration is respectfully requested.

Further, applicant does not believe there are any fees associated with this request, but if so, please charge any deficiencies to Deposit Account No. 50-1546.

Respectfully submitted,

Date: \_\_\_\_\_

2/16/11



George R. McGuire

Reg. No. 36,603

*Attorneys for Applicant*

BOND, SCHOENECK & KING, PLLC  
One Lincoln Center  
Syracuse, NY 13202  
Telephone: (315) 218-8515  
Telefax: (315) 218-8100

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.: 12416666

First Named Inventor: Nailong Wu

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 2010-01-05

(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	claim has novelty, inventive step and industrial applicability
2	2	claim has novelty, inventive step and industrial applicability
3	3	claim has novelty, inventive step and industrial applicability
4	4	claim has novelty, inventive step and industrial applicability
5	5	claim has novelty, inventive step and industrial applicability
6	6	claim has novelty, inventive step and industrial applicability
7	7	claim has novelty, inventive step and industrial applicability
8	8	claim has novelty, inventive step and industrial applicability
9	9	claim has novelty, inventive step and industrial applicability
10	10	claim has novelty, inventive step and industrial applicability
11	11	claim has novelty, inventive step and industrial applicability
12	12	claim has novelty, inventive step and industrial applicability

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

Signature /George R. McGuire/	Date 2010-11-29
Name (Print/Typed) George R. McGuire	Registration Number 36603

WHAT IS CLAIMED IS:

1. A method for detecting collimator blade edges in a radiography image, comprising the steps of:
  - (a) performing a first detection pass of said image to generate a first list of detected edges;
  - (b) enhancing said image;
  - (c) performing a second detection pass of said enhanced image to generate a second list of detected edges;
  - (d) combining said first list and said second list to generate a combined edge list;
  - (e) validating each detected edge in said combined edge list;
  - (f) selecting a predetermined number of validated edges.
2. The method of claim 1, wherein the step of enhancing the image comprises modifying the pixel values of said image according to a predetermined histogram transformation.
3. The method of claim 2, wherein said first list of detected edges and said second list of detected edges are stored in memory prior to said step of combining said first list and said second list to generate a combined edge list.
4. The method of claim 1, wherein said predetermined number of validated edges comprises four to eight.
5. The method of claim 1, wherein steps (c) and (d) are repeated at least once.
6. The method of claim 1, wherein said first detection pass is accomplished using the Hough transform.
7. The method of claim 1, further comprising the step of enclosing a shutter area in said image by drawing a polygon based on the predetermined number of validated edges.
8. A digital radiography image, comprising:
  - a first set of blade edges in said image detected by a first detection pass;
  - a second set of blade edges in said image detected by a second detection pass;

a polygon enclosing a shutter area based on a predetermined number of first and second sets of detected blade edges.

9. The image of claim 8, wherein said first set of blade edges were detected using a Hough transform.

10. The image of claim 8, wherein said predetermined number of validated edges comprises four to eight.

11. The image of claim 8, wherein said second set of blade edges were detected by modifying the pixel values of said image according to a predetermined histogram transformation.

12. The image of claim 9, further comprising a third set of blade edges in said image detected by a third detection pass.



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.
12/416,666	04/01/2009	Nailong Wu	672P006A	4832
28264	7590	03/03/2011	EXAMINER	
BOND, SCHOENECK & KING, PLLC ONE LINCOLN CENTER SYRACUSE, NY 13202-1355			BELLA, MATTHEW C	
			ART UNIT	PAPER NUMBER
			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):

bskpto@bsk.com  
gmcguire@bsk.com  
dnocilly@bsk.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

BOND, SCHOENECK & KING, PLLC  
ONE LINCOLN CENTER  
SYRACUSE NY 13202-1355

In re Application of	:	
WU, NAILONG	:	DECISION ON REQUEST TO
Application No. 12/416,666	:	PARTICIPATE IN PATENT
Filed: April 01, 2009	:	PROSECUTION HIGHWAY
Att. Docket No. 672P006A	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed February 16, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and
- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless

copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

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

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

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

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

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date: 02/16/12

Patent No. : 8103683 B2  
Ser. No. : 12/416,746  
Inventor(s) : **Koya , et al.**  
Issued : **January 24, 2012**  
Title : **CONVERTING BETWEEN SOFTWARE OBJECTS**  
Docket No. : **PT/0189 (4244-00700)**

Re: Request for Certificate of Correction

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

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

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

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

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

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

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

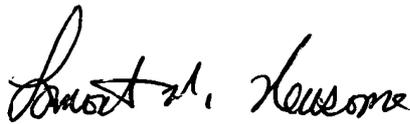
By mail:                      Mail Stop PETITIONS

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

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

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

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



Lamonte M. Newsome  
For Mary Diggs, Supervisor  
Decisions & Certificates  
Of Correction Branch  
(571) 272-3421 or (703)756-1580

**Affiliated Computer Services, Inc.**  
**c/o Conley Rose, P.C.**  
**5601 Granite Parkway, Suite 750**  
**Plano TX 75024**

LMN


**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

**BIB DATA SHEET**
**CONFIRMATION NO. 5099**

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/416,777	04/01/2009	514	1647	30852/40546B		
<b>APPLICANTS</b> Kenneth J. McCormack, Raleigh, NC; Christopher D. Raj, San Diego, CA; <b>** CONTINUING DATA *****</b> This application is a DIV of 11/357,518 02/17/2006 PAT 7,531,523 which claims benefit of 60/654,019 02/17/2005 <b>** FOREIGN APPLICATIONS *****</b> <b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **</b> 07/09/2009						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /MARIANNE P ALLEN/ Acknowledged _____ <small>Examiner's Signature</small>		<input type="checkbox"/> Met after Allowance _____ <small>Initials</small>	<b>STATE OR COUNTRY</b> NC	<b>SHEETS DRAWINGS</b> 6	<b>TOTAL CLAIMS</b> 2	<b>INDEPENDENT CLAIMS</b> 2
<b>ADDRESS</b> MARSHALL, GERSTEIN & BORUN LLP 233 SOUTH WACKER DRIVE 6300 WILLIS TOWER CHICAGO, IL 60606-6357 UNITED STATES						
<b>TITLE</b> SODIUM CHANNEL PROTEIN TYPE III ALPHA-SUBUNIT SPLICE VARIANT						
<b>FILING FEE RECEIVED</b> 1090	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.
12/416,829	04/01/2009	Patrick Lewis Blott	SMNPH.002C1	5184
20995	7590	02/01/2011	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			KIDWELL, MICHELE M	
			ART UNIT	PAPER NUMBER
			3761	
			NOTIFICATION DATE	DELIVERY MODE
			02/01/2011	ELECTRONIC

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

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

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

jcarter@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.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

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

Applicant: Blott et al.  
Appl. No.: 12/416,829  
Filing Date: April 1, 2009  
Title: APPARATUS FOR ASPIRATING, IRRIGATING AND CLEANSING WOUNDS  
Attorney Docket No.: SMNPH.002C1  
Pub. No.: US 2009/0254054 A1  
Pub. Date: October 8, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 17, 2010, for the above-identified application.

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

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

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

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

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

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

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

By facsimile: 571-273-8300

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



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

Adjustment date: 02/01/2011 KKING1  
01/26/2011 INTEFSW 00001443 12416829  
02 FC:1505 -300.00 OP

Refund Ref: 0030093431  
02/01/2011

Credit Card Refund Total: \$300.00

Master C: XXXXXXXXXXXX5583



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.
12/416,840	04/01/2009	David T. Tanaka	180/248/2	5206
25297	7590	08/01/2011	EXAMINER	
JENKINS, WILSON, TAYLOR & HUNT, P. A.			MAHMUD, ATIYA S	
3100 Tower Blvd.			ART UNIT	PAPER NUMBER
Suite 1200			3733	
DURHAM, NC 27707			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.



*Application Serial No 12/416,840*  
*Decision on Petition*

---

PETITION GRANTED



---

Donald T. Hajec, Director  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRAD SMALLRIDGE  
1264 8<sup>TH</sup> AVENUE  
SAN FRANCISCO, CA 94122

Applicants: Brad Smallridge  
Appl. No.: 12/416,855  
Filing Date: April 1, 2009  
Title: TIMESTAMP NEURAL NETWORK  
Attorney Docket: NONE  
Pub. No.: US 2010/0257130 A1  
Pub. Date: October 7, 2010

**MAILED**  
**AUG 15 2011**  
**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 1, 2010, for the above-identified application.

The request is dismissed.

The paper was not signed in accordance with 37 CFR 1.33. The paper is unsigned.

37 CFR 1.33. Correspondence respecting patent applications, reexamination proceedings, and other proceedings

\*\*>

(b) *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34;<
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction. Applicant may either provide a duplicate signed paper or ratification of the previously unsigned paper.

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

requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

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

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

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DICKSTEIN SHAPIRO LLP  
2049 CENTURY PARK EAST  
SUITE 700  
LOS ANGELES, CA 90067

**MAILED**  
**DEC 15 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Robert Hardacker, et al. :  
Application No.: 12/416,860 :  
Filed: April 1, 2009 :  
Attorney Docket No.: None :

**ON PETITION**

This is a decision on the petition, filed December 8, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on November 23, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<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 3662 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<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  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/416,889	04/01/2009	Kenneth M. Corroon	055948-0378957	5328

27500 7590 03/31/2011  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
ATTENTION: DOCKETING DEPARTMENT  
P.O BOX 10500  
McLean, VA 22102

EXAMINER
----------

POON, ROBERT

ART UNIT	PAPER NUMBER
----------	--------------

3788

MAIL DATE	DELIVERY MODE
-----------	---------------

03/31/2011

PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Anthony G. Smyth  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
12255 El Camino Real, Suite 300  
San Diego, CA 92130-4088

In re Patent Application of Kenneth M. Corroon  
DECISION ON PETITION : PETITION DENIED  
Application 12/416,889  
Filed April 1, 2009

This is a decision on petition under 37 CFR 1.84 to accept color drawings.

The petition is denied.

The color photograph is not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. Specifically, halftones can be used to reproduce color drawings/photographs. Halftone reproductions of color drawings/photographs are known to provide an adequate level of detail for the benefit of the patent owners and the public.

Any questions concerning this decision should be directed to Ehud Gartenberg at 571-272-4828.

/Ehud Gartenberg/

Ehud Gartenberg  
Supervisory Patent Examiner  
Art Unit 3788

March 30, 2011

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12416898
Filing Date	01-Apr-2009
First Named Inventor	Daehwan Kim
Art Unit	2835
Examiner Name	ANTHONY EDWARDS
Attorney Docket Number	PAPRS_P010D1
Title	HOT SWAPPABLE COMPUTER CARD CARRIER

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 are not due.

- 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	/Steve McDaniel 2810/
Name	Steve McDaniel
Registration Number	50587



## UNITED STATES 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 : March 26, 2012

In re Application of :

Daehwan Kim

Application No : 12416898

Filed : 01-Apr-2009

Attorney Docket No : PAPRS\_P010D1

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed March 26, 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**E.J. ASBURY III, LLC**  
**1265 Lake Colony Dr.**  
**Marietta GA 30068**

**MAILED**

**NOV 05 2010**

In re Application of :  
David L. Scott et al. :  
Application No. 12/416,905 : **OFFICE OF PETITIONS**  
Filed: April 1, 2009 : **DECISION ON PETITION**  
Attorney Docket No. M003 P003U1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed April 29, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 30, 2009. A Notice of Abandonment was mailed on January 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings and Sequence Listing, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly the replacement drawings and Sequence Listing are accepted as being unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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

Application No. 12/416,905

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 October 4, 2010.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

ARRIS  
3871 LAKEFIELD DRIVE  
SUWANEE GA 30024

**MAILED**  
**FEB 25 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
William T. Hanks :  
Application No. 12/416,955 : DECISION ON PETITION  
Filed: April 2, 2009 : UNDER 37 CFR 1.78(a)(6)  
Attorney Docket No. 7204 (FSP0532) :

This is a decision on the petition filed November 10, 2010, which is properly being treated under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

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

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

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

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. 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 2477 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/KOC/  
Karen Creasy  
Petition Examiner  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/416,955	04/02/2009	2477	1090	7204 (FSP0532)	12	2

CONFIRMATION NO. 5482

CORRECTED FILING RECEIPT

88095  
ARRIS  
3871 Lakefield Drive  
Suwanee, GA 30024



Date Mailed: 02/24/2011

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)**

William T. Hanks, Carol Stream, IL;

**Assignment For Published Patent Application**

ARRIS, Suwanee, GA

**Power of Attorney:** The patent practitioners associated with Customer Number 29586

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 61/113,582 11/11/2008

**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:** 05/18/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/416,955**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

CMTS PLANT TOPOLOGY FAULT MANAGEMENT

**Preliminary Class**

370

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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

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

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

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

**NOT GRANTED**

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

ZARLEY LAW FIRM P.L.C.  
CAPITAL SQUARE  
400 LOCUST, SUITE 200  
DES MOINES IA 50309-2350

**MAILED**  
**SEP 15 2010**  
**OFFICE OF PETITIONS**

Applicant: Deana  
Appl. No.: 12/417,058  
Filing Date: April 2, 2009  
Title: METHOD OF ORGANIZING AND DISPLAYING E-MAILS  
Attorney Docket No.: P07169US  
Pub. No.: US 2009/0259724 A1  
Pub. Date: October 15, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 13, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the residence of the inventor is improperly listed as Tomas Diago, wherein it should be listed as Montevideo.

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 residence of the inventor is improperly listed as Tomas Diago, wherein it should be listed as Montevideo may be an Office error, but it is not a material Office error under 37 CFR 1.221. The listing of the inventor's residence does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

<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).

On July 7, 2009, a Filing Receipt was mailed by the Office, which listed the inventor's residence as Tomas Diago. To avoid this type of problem in the future, applicant's representative should make request for a corrected filing receipt, prior to export of the application to the publisher.

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

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

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

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



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

**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:	12/417079	Filing date:	April 2, 2009
-----------------	-----------	--------------	---------------

First Named Inventor:	Lara M. Sosnosky
-----------------------	------------------

Title of the Invention:	EMPLOYING USER-CONTEXT IN CONNECTION WITH BACKUP OR RESTORE OF DATA
-------------------------	---

**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/US10/28893

**The international filing date of the corresponding PCT application(s) is/are:** March 26, 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.: 12/417,079

First Named Inventor: Lara M. Sosnosky

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 14, 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
1-2	1-2	Claims are identical except for numerical references that refer to the drawings in the PCT application
3	3	US claims 3 and 4 are combined in PCT claim 3, which also includes numerical references that refer to the drawings.
4	3	US claims 3 and 4 are combined in PCT claim 3, which also includes numerical references that refer to the drawings.
5	4	Claims are identical except for numerical references that refer to the drawings in the PCT application
6	5	Claims are identical except for numerical references that refer to the drawings in the PCT application
7	6	Claims are identical except for numerical references that refer to the drawings in the PCT application
8	7	US claims 8-10 a are combined in PCT claim 7, which also includes numerical references that refer to the drawings.
9	7	US claims 8-10 a are combined in PCT claim 7, which also includes numerical references that refer to the drawings.
10	7	US claims 8-10 a are combined in PCT claim 7, which also includes numerical references that refer to the drawings.
11	8	Claims are identical except for numerical references that refer to the drawings in the PCT application
12	9	Claims are identical except for numerical references that refer to the drawings in the PCT application
13	10	Claims are identical except for numerical references that refer to the drawings in the PCT application
14	11	US claims 14 and 15 are combined in PCT claim 11, which also includes numerical references that refer to the drawings.
15	11	US claims 14 and 15 are combined in PCT claim 11, which also includes numerical references that refer to the drawings.
16	12	Claims are identical except for numerical references that refer to the drawings in the PCT application
17	13	Claims are identical except for numerical references that refer to the drawings in the PCT application
18	14	US claims 18 and 19 are combined in PCT claim 14, which also includes numerical references that refer to the drawings.
19	14	US claims 18 and 19 are combined in PCT claim 14, which also includes numerical references that refer to the drawings.
20	15	Claims are identical except for numerical references that refer to the drawings in the PCT application

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

Signature /James R. Banowsky/

Date April 22, 2011

Name (Print/Typed) James R. Banowsky

Registration Number 37,773

## 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

First Named Inventor: Lara M. Sosnosky

Application No.: 12/417,079

Filed: 04-02-2009

Customer No.: 69316

Title: EMPLOYING USER-CONTEXT IN CONNECTION WITH BACKUP OR RESTORE OF DATA

Attorney Docket No.: 326486.01

Group Art Unit: 4143

Examiner: PARK, GRACE A

Confirmation Number: 5709

Commissioner for Patents

P.O. Box 1460

Alexandria, VA 22313-1450

**Statement on Request for Participation in the  
PCT-Patent Prosecution Highway Pilot Program**

Dear Sir:

Applicant states that claims 1, 2, 5, 6, 7, 11, 12, 13, 16, 17, and 20 in the US application correspond with PCT claims 1, 2, 4, 5, 6, 8, 9, 10, 12, 13, and 15. Also, US claims 3 and 4 have been combined to form PCT claim 3 and US claims 8, 9, and 10 have been combined to form PCT claim 7. Additionally, US claims 14 and 15 have been combined in PCT claim 11 and US claims 18 and 19 combined in PCT claim 14.

Applicant would also like to bring to attention the formatting differences in the PCT claims, specifically the numerical references that refer to the drawings. For your convenience, a copy of the claims in the PCT application is included.

PATENT

Accordingly, applicant requests the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant’s attorney at the telephone number listed below.

Respectfully submitted,

Date: April 22, 2011

By: James R. Banowsky/

Atty: James R. Banowsky

Reg. No.: 37,773

Direct telephone: (425) 705-3539

Microsoft Corporation

One Microsoft Way

Redmond WA 98052-6399

**CERTIFICATE OF MAILING OR TRANSMISSION**  
**(Under 37 CFR § 1.8(a) or ELECTRONIC FILING**

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

April 24, 2011

Date

/Eric Matt/

Eric Matt



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.
12/417,079	04/02/2009	Lara M. Sosnosky	326486.01	5709
69316	7590	06/13/2011	EXAMINER	
MICROSOFT CORPORATION			PARK, GRACE A	
ONE MICROSOFT WAY			ART UNIT	PAPER NUMBER
REDMOND, WA 98052			2157	
			NOTIFICATION DATE	DELIVERY MODE
			06/13/2011	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):

vffiling@microsoft.com  
stevensp@microsoft.com  
ntovar@MICROSOFT.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICROSOFT CORPORATION  
ONE MICROSOFT WAY  
REDMOND WA 98052

In re Application of: SOSNOSKY et al.  
Application No. 12/417,079  
Attorney Docket #: 326486.01  
Filed: April 2, 2009  
For: EMPLOYING USER-CONTEXT IN  
CONNECTION WITH BACKUP OR RESTORE OF  
DATA

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 24, 2011 to make the above-identified application special.

The petition is **DISMISSED**.

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

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

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

JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

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

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

(3) Applicant must:

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

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

(5) Applicant must submit:

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

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

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that

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

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

The request to participate in the PPH pilot program and petition fails to meet item 4 of the requirements listed above. An action on the merits was mailed in this application on April 28, 2011.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

/Mano Padmanabhan/

---

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

417079  
Application SN 12/~~404387~~  
Decision on Petition

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

/Mano Padmanabhan/

---

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOLF GREENFIELD & SACKS, P.C.  
600 ATLANTIC AVENUE  
BOSTON, MA 02210-2206

**MAILED**  
**NOV 30 2010**  
**OFFICE OF PETITIONS**

Applicant: McMorrow, et al.  
Appl. No.: 12/417,132  
Filing Date: April 2, 2009  
Title: N:M TRANSFORMER AND IMPEDANCE MATCHING  
Attorney Docket: S1625.70005US02  
Pub. No.: US 2010/0019858 A1  
Pub. Date: January 28, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 23, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains errors in claim 15, wherein the phrase "further comprising" was misprinted as "fisher comprising" and in claim 24 the phrase "further comprises" was misprinted as "Her comprises".

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 requestor with respect the typographical errors in dependent claims 15 and 24 may be an Office errors, but they are not material Office errors under 37 CFR .1221(b). The error in published claim 15, wherein the word "further" was misprinted as "fisher" and in claim 24 wherein the word "further" was misprinted as "Her" are clearly typographical errors, which are clear to one reading the claims. Thus, one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claims. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application

<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).

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

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

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

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

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication” and questions or request for reconsideration of the decision, should be addressed as follows:

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

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



---

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



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

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

Decision Date : August 10,2011

In re Application of :

Eiji OKI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12417173

Filed : 02-Apr-2009

Attorney Docket No : 5259-000051/US/DVB

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 10,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

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

This application file is being referred to Technology Center AU 2613 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	12417173
Filing Date	02-Apr-2009
First Named Inventor	Eiji OKI
Art Unit	2613
Examiner Name	DALZID SINGH
Attorney Docket Number	5259-000051/US/DVB
Title	OPTICAL NODE DEVICE, NETWORK CONTROL DEVICE, MAINTENANCE-STAFF DEVICE, OPTICAL NETWORK, AND 3R RELAY IMPLEMENTATION NODE DECISION 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	/Gregory A. Stobbs/
Name	Gregory Stobbs
Registration Number	28764



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JEFFREY S. WHITTLE  
BRACEWELL & GIULIANI LLP  
P.O. BOX 61389  
HOUSTON, TX 77208-1389

**MAILED**

SEP 30 2011

In re Application of :  
Rebecca Ahlers, et al. :  
Application No.: 12/417,199 :  
Filed: April 2, 2009 :  
Attorney Docket No.: 058052.000004.06A :

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition, filed September 29, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

*Petitioner is advised that the issue fee paid on August 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3687 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<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

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

BRACEWELL & GIULIANI LLP  
P.O. BOX 61389  
HOUSTON TX 77208-1389

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of :  
Rebecca Ahlers et al :  
Application No. 12/417,211 :  
Filed: April 2, 2009 :  
Attorney Docket No. 058052-000004.06B :

: DECISION ON PETITION  
: UNDER 37 CFR 1.313(c)

This is a decision on the petition under 37 CFR 1.313(c), 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 August 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 the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3687 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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**  
**SEP 28 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Miran Chio et al :  
Application No. 12/417,232 : DECISION ON PETITION  
Filed: April 2, 2009 :  
Attorney Docket No. 2105.1044 :

This is a decision on the petition, filed September 2, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to timely respond to the Office action of January 20, 2011, which set a three (3) month shortened statutory period for reply. No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before April 20, 2011. A Notice of Abandonment was mailed August 15, 2011.

Applicant states "Applicant contacted Examiner Mahmood on March 29, 2011 to point out that the Office Action mailed January 20, 2011 was defective. Examiner Mahmood reviewed the case and agreed that the Office Action mailed January 20, 2011 was defective. Examiner Mahmood indicated that another Office Action would be send out in due course. However, a new Office Action was not sent out."

The fact that the examiner may have wanted to withdraw the Office Action is not reflected by the written record which does not indicate that the Office Action mailed January 20, 2011 was vacated. Therefore, it is the applicant's responsibility to either timely traverse or comply with the requirement. See 37 CFR 1.135.

35 U.S.C. 133 Time for prosecuting application states "Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable."

Petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

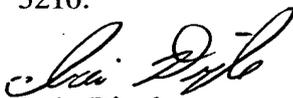
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

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

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**

NOV 28 2011

OFFICE OF PETITIONS

In re Application of :  
Miran Chio et al :  
Application No. 12/417,232 : DECISION ON PETITION  
Filed: April 2, 2009 :  
Attorney Docket No. 2105.1044 :

This is a decision on the petition filed October 28, 2011, requesting under 37 CFR 1.181 that the holding of abandonment be withdrawn.

The petition is **DISMISSED**.

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR 1.137, must be filed within TWO MONTHS of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Petitioner asserts that the Office action mailed January 20, 2011 was defective and the examiner, Rezwanul Mahwood, reviewed the case and agreed that the Office action mailed January 20, 2011 was defective. Examiner Mahmood indicated that another Office action would be sent out in due course. However, a new Office action was not sent out.

The failure to reply to the Office action is controlling; not the correctness of the Office action in whole or in part, as to the question of abandonment.

35 USC 133 states:

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable. Petitioner was also advised by the Office Action that failure to reply within the set or extended period for reply will, be statute, cause the application to become abandoned (35 U.S.C. § 133).

As noted in 37 CFR 1.135(b):



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

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**  
**MAR 19 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Miran Choi et al :  
Application No. 12/417,232 : **ON PETITION**  
Filed: April 2, 2009 :  
Attorney Docket No. 2105.1044 :

This is a decision on the petition, filed January 30, 2012 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

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

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

Required under a 37 CFR 1.137(b) petition is a response to the non-final Office action mailed January 20, 2011. 37 CFR 1.2 states all business with the Patent and Trademark Office should be in writing. The actions of the USPTO will be based exclusively on the written record in the Office. A review of the written record indicates that a non-final Office action was mailed on January 20, 2011. The allegations of errors in the Office action do not remove the action from the record. Hence it is the responsibility of applicant, if he considers the action to be erroneous, to traverse the action in writing giving the reasons for the traverse of each and every issue set forth in the non-final. Accordingly, since applicant has not traversed the non-final, but merely presented general allegations, this petition must be dismissed. Arguments that the indication by the examiner that a new action would be mailed are not persuasive in view of 37 CFR 1.2 above.

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

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

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

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

By internet:              EFS-Web<sup>1</sup>

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.



Irvin Dingle  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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

PTO/SB/420 (03-11)

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Attorney Docket Number: 081276-9312-US02 Application Number (if known): 12/417,240 Filing date: April 2, 2009

First Named Inventor: Li Jiang

Title: FUEL COMPOSITION RECOGNITION AND ADAPTATION SYSTEM

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: \_\_\_\_\_

Signature /richard l. kaiser/

Date 2-6-2012

Name (Print/Typed) Richard L. Kaiser

Registration Number 46,158

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

\*Total of \_\_\_\_\_ forms are submitted.

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

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

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

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/417,240	04/02/2009	Li Jiang	081276-9312-02	6048

34044 7590 02/23/2012  
MICHAEL BEST & FRIEDRICH LLP (Bosch)  
100 EAST WISCONSIN AVENUE  
MILWAUKEE, WI 53202

EXAMINER
----------

VO, HIEU T

ART UNIT	PAPER NUMBER
----------	--------------

3747

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

02/23/2012

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):

mkeipdocket@michaelbest.com



MICHAEL BEST & FRIEDRICH LLP (Bosch)  
100 EAST WISCONSIN AVENUE  
MILWAUKEE WI 53202

2/23/12

In re Application of	:	
Jiang et al.	:	DECISION ON PETITION
Application No. 12/417,240	:	TO MAKE SPECIAL UNDER
Filed: 4/2/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 081276-9312-02	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/6/2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3747 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

BLACK LOWE GRAHAM  
701 5<sup>TH</sup> AVE., SUITE 4800  
SEATTLE, WA 98104

**MAILED**

NOV 08 2010

In re Application of  
William E. Luce  
Application No. 12/417,293  
Filed: April 2, 2009  
Attorney Docket No.: GORI-1-1001

OFFICE OF PETITIONS  
DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 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 is filed by Michael S. Smith on behalf of all the practitioners of record associated with Customer Number 86073.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since the Customer Number provided (61654) does not identify the intervening assignee of the entire interest or the first named inventor.

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**  
**MAR 28 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
<b>FLAUM, Richard</b>	:	
Application No. 12/417,313	:	DECISION ON PETITION
Filed: April 02, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. AMK-5358-5	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 07, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Richard Flaum, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

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

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 1721 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/  
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

MICHAEL E. CARROLL, JR.  
CORNING INCORPORATED  
INTELLECTUAL PROPERTY DEPARTMENT, SP-TI-3-1  
CORNING, NY 14831

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Terry L. Cooke et al : DECISION GRANTING STATUS  
Application No. 12/417,325 : UNDER 37 CFR 1.47(a)  
Filed: April 2, 2009 :  
Attorney Docket No. HI08-075 :

This is a decision on the petition filed, March 26, 2010, requesting reconsideration of a decision mailed January 26, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED**.

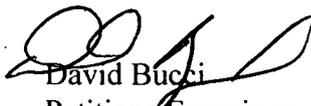
Petitioner has shown that the non-signing inventor Clyde B. Mabry III has refused to join in the filing of the above-identified application.

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.

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

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

  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

Clyde B. Mabry III  
215 Skyline Circle  
Salisbury, NC 28146

In re Application of  
Terry L. Cooke; David L. Dean Jr.; Tory A. Klavuhn; Clyde B. Mabry III; Daniels S. McGranahan; Jeffrey M. Walters  
Application No. 12/417,325  
Filed: April 2, 2009  
For: FIBER OPTIC CABLE ASSEMBLIES EMPLOYING A FURCATION BODY HAVING ANTI-ROTATION FEATURE

Dear Mr. Mabry:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to 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 the Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington, DC area).

David Bucci  
Petition Examiner  
Office of Petitions

cc: Michael E. Carroll, Jr.  
Corning Incorporated  
Intellectual Property Department, SP-TI-3-1  
Corning, NY 14831



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.
12/417,369	04/02/2009	Robert P. Morris	I554/US	6303
49277	7590	09/13/2011	EXAMINER	
SCENERA RESEARCH, LLC			TANG, KAREN C	
5400 Trinity Road			ART UNIT	PAPER NUMBER
Suite 303			2447	
Raleigh, NC 27607			MAIL DATE	DELIVERY MODE
			09/13/2011	PAPER

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

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





UNITED STATES PATENT AND TRADEMARK OFFICE

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

LADAS & PARRY  
5670 WILSHIRE BOULEVARD, SUITE 2100  
LOS ANGELES, CA 90036-5679

**MAILED**  
**JUN 17 2011**  
**OFFICE OF PETITIONS**  
**DECISION ON PETITION**  
**TO WITHDRAW**  
**FROM RECORD**

In re Application of :  
Jeffrey D. Gordon et al :  
Application No. 12/417,374 :  
Filed: April 2, 2009 :  
Attorney Docket No.: B-6547 625105-7 :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 20, 2011.

The request is **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 is filed by Mavis S. Gallenson, on behalf of the practitioners of record associated with Customer Number 36716.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since a current correspondence address was not provided.

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO CA 92121

**MAILED**  
**JUL 15 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Xiaohong Quan :  
Application No. 12/417,497 : **DECISION ON PETITION**  
Filed: April 2, 2009 :  
Attorney Docket No. **081031** :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed July 6, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 7, 2010

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an 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 JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 2816 for appropriate action by the Examiner in the normal course of business on the reply received.

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

**EDWIN D. SCHINDLER**  
**4 HIGH OAKS COURT**  
**P.O. BOX 4259**  
**HUNTINGTON NY 11743-0777**

**MAILED**  
**JAN 26 2012**  
**OFFICE OF PETITIONS**

In re Application of  
Bruce Barton  
Application No. 12/417,514  
Filed: April 2, 2009  
Attorney Docket No. none

:  
:  
: **DECISION GRANTING PETITION**  
: **UNDER 37 CFR 1.137(b)**  
:

This is a decision on the petition, filed December 22, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 14, 2011. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 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 accompanies this decision on petition.

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

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.
12/417,514	04/02/2009	Bruce Barton	

60333  
EDWIN D. SCHINDLER  
4 HIGH OAKS COURT  
P.O. BOX 4259  
HUNTINGTON, NY 11743-0777

**CONFIRMATION NO. 6617**  
**NONPUBLICATION RESCISSION**  
**LETTER**



Date Mailed: 01/25/2012

**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 05/03/2012.

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".

/jolszewski/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**COOLEY LLP**  
**ATTN: Patent Group**  
**Suite 1100**  
**777-6<sup>th</sup> Street, NW**  
**Washington, DC 20001**

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Jeffrey Ira Cohen, et al. :  
Application No. 12/417,550 :  
Filed: April 2, 2009 :  
Attorney Docket No. GREP-003/00US 310568- :  
2003 :

**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 2, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Cooley LLP has been revoked by the assignee of the patent application on November 22, 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: **LAW OFFICES OF BARRY N. YOUNG**  
**200 Page Mill Road**  
**Suite 102**  
**Palo Alto, CA 94306-2061**

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 07/01/11  
TO SPE OF : ART UNIT 2811  
SUBJECT : Request for Certificate of Correction for Appl. No.: 12417636 Patent No.: 7948047

CofC mailroom date: 06/20/11

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: Should Related U.S. Application Data be inserted?

Lamonte Newsome

Certificates of Correction Branch  
571-272-3421

**Thank You For Your Assistance**

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

- Approved**
- Approved in Part**
- Denied**

All changes apply.  
Specify below which changes do not apply.  
State the reasons for denial below.

Comments: *James A. Kirby, SPE ALL 2811*



UNITED STATES 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)

GTC BIOTHERAPEUTICS, INC.  
C/O WOLF, GREENFIELD & SACKS, P.C.  
600 ATLANTIC AVENUE  
BOSTON, MA 02210-2206

**MAILED**

**JAN 13 2011**

**OFFICE OF PETITIONS**

Applicant: Perreault et al.  
Appl. No.: 12/417,832  
Filing Date: April 3, 2009  
Title: CLARIFICATION OF TRANSGENIC MILK USING  
DEPTH FILTRATION  
Attorney Docket: G0744.70012US01  
Pub. No.: US 2010/0056757 A1  
Pub. Date: March 4, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 20, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in claim 59 wherein the word "a" should be deleted.

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

The error noted by requestor wherein the word "a" should be deleted from claim 59, is not a material mistake made by the Office under 37 CFR 1.221(b). The published claim 59 recites the phrase "interest is a selected" rather than "interest is selected." While the claim is clearly grammatically incorrect, one of ordinary skill in the art would clearly understand the nature of the typographical error and would not be misled as to the scope of the claim. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application

<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).

publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The 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.

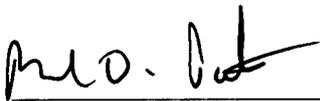
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<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."

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



---

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BARLOW, JOSEPHS & HOLMES, LTD.  
101 DYER STREET  
5TH FLOOR  
PROVIDENCE RI 02903

**MAILED**

**JAN 27 2012**

**OFFICE OF PETITIONS**

In re Application of	:	
Whalen et al.	:	
Application No. 12/417902	:	
Filing or 371(c) Date: 04/03/2009	:	
Title of Invention:	:	
FLAT SCREEN TELEVISION	:	
SUPPORT SYSTEM	:	ON PETITION

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed December 12, 2011.

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 September 22, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is December 23, 2010.

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

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

This application is being referred to Technology Center AU 3632 for processing of the RCE and for appropriate action on the amendment by the Examiner in the normal course of business.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/417,931	04/03/2009	Eric Ting-Shan Pan	EP 2009-1	7407

23694	7590	02/03/2011
-------	------	------------

Law Office of J. Nicholas Gross, Prof. Corp.  
PO BOX 9489  
BERKELEY, CA 94709

EXAMINER	
MARTIN, MATTHEW T	

ART UNIT	PAPER NUMBER
1728	

NOTIFICATION DATE	DELIVERY MODE
02/03/2011	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):

jngross@pacbell.net  
anthonygreek@gmail.com  
jmc62@sbcglobal.net



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mailed: 2/3/2011

bc

In re application of  
Eric Ting-Shan Pan  
Serial No. 12/417,931  
Filed: April 03, 2009  
For: SOLAR-TO-ELECTRICITY CONVERSION SUB-MODULE

DECISION ON  
PETITION

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE NOTICE OF NON-COMPLIANT AMENDMENT of October 14, 2010 filed on November 12, 2010.

On January 05, 2010, the Applicant filed a Petition to Make Special under the Green Technology Pilot Program. A decision granting this petition was mailed on February 16, 2010.

On March 22, 2010, a Non-Final Office action was mailed. Applicant responded to this Office action on July 22, 2010. This response included an amendment which added nine (9) new claims, which resulted in 29 total pending claims in the application.

On October 14, 2010, the examiner issued a Notice of Non-Compliant Amendment due to the total number of claims exceeding the twenty claim limit of the Green Technology Petition Pilot.

The instant petition was filed on November 12, 2010 requesting that the Notice of Non-Compliant Amendment be vacated and that the amendment of July 22, 2010 be entered and considered by the examiner. Petitioner argues that (1) the twenty claim requirement applies only to an application that is seeking to be qualified by petition for inclusion in the program and not to applications that are already in the program and (2) the additional claims do not impose any additional significant burden on the examiner.

**DECISION**

Requirement (3) of the Green Technology Pilot Program (see Federal Register, Vol. 74, No. 234, December 08, 2009) states:

The application must contain three or fewer independent claims and twenty or fewer total claims.

The Petitioner argues that the guidelines (Fed. Reg. Notice) do not contain any further explicit downstream limitations of any kind on what number of claims the application can have at some later time in the prosecution. It is clear that the intent of the Pilot Program was to limit the number of examinable claims before the examiner during the entire prosecution of any application accepted into this Pilot program. The fact that the applicant received a Non-Final rejection does not undo this requirement. This is further evidenced by the newly added FAQ on the USPTO's Green Technology web site<sup>1</sup>, which states:

<sup>1</sup> See Q.18. at [http://www.uspto.gov/patents/init\\_events/faqs\\_on\\_green\\_tech.pdf](http://www.uspto.gov/patents/init_events/faqs_on_green_tech.pdf)

18. (new) Once an application has been accepted into the Green Technology Pilot Program, can the applicant amend the application to contain more than three independent claims or more than twenty total claims? (Posted on 01-20-2011)

A. No. An application under the Green Technology Pilot Program must contain no more than three independent claims and no more than twenty total claims throughout the entire pendency of the application. Any amendment that amends the application to contain more than three independent claims or more than twenty total claims will be considered as a non-compliant amendment. Applicant would be required to file an amendment that does not amend the application to contain more than three independent claims or more than twenty total claims.

The argument that the inclusion of effectively five (5) additional claims does not impose any significant additional examination burden on the Examiner in this case, and he does not make any suggestion to this effect; thus, the twenty (20) claim limit should be waived in this instance is not persuasive, because "additional examination burden" is not a consideration for entry into this Pilot program. The requirements for participation in the Green Technology Pilot program clearly set forth that the 3/20 claim limitations, as set forth in the above FAQ, must be maintained throughout the entire pendency of the application.

Regarding the Petitioner's argument that the USPTO has already debited the undersigned's account for the claims (in excess of twenty claims), and therefore has implicitly already deemed that the inclusion of additional claims over twenty is entirely proper is not persuasive. Firstly, it is the applicant who paid these fees (see PTO-875 of 07/22/2010) electronically when the response of July 22, 2010 was filed. Secondly, when an applicant takes an action "by mistake", the submission of fees required to take that action is not a "fee paid by mistake" within the meaning of 35 USC 42(d) (see MPEP 607.02).

Accordingly, the petition is **DENIED**. The period for response to the October 14, 2010 Non-Compliant Amendment notice expired on November 14, 2010. The applicant may still respond to this notice with the appropriate extensions of time under 37 CFR 1.136(a).

/Yvonne Eyler/

---

Yvonne Eyler, Director  
Technology Center 1700  
Chemical and Materials Engineering

Law Office of J. Nicholas Gross, Prof. Corp.  
PO BOX 9489  
BERKELEY CA 94709

<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	12417935	
Filing Date	03-Apr-2009	
First Named Inventor	Raymond McArthur	
Art Unit	1745	
Examiner Name	ALEX EFTA	
Attorney Docket Number	15900.0001USU1	
Title	APPARATUS AND METHOD FOR REMOVING WATER FROM WET MATERIAL	
<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:		23552
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	Stephen McArthur	
Address	713 N. Huron Avenue	
City	Pierre	
State	SD	
Postal Code	57501	
Country	US	

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

Signature	/Dennis R. Daley/
Name	Dennis R. Daley
Registration Number	34994



## UNITED STATES 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 : October 19,2011

In re Application of :

Raymond McArthur

Application No : 12417935

Filed : 03-Apr-2009

Attorney Docket No : 15900.0001USU1

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 October 19,2011

The request is **APPROVED**.

The request was signed by Dennis R. Daley (registration no. 34994 ) on behalf of all attorneys/agents associated with Customer Number 23552 . All attorneys/agents associated with Customer Number 23552 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 Stephen McArthur  
Name2  
Address 1 713 N. Huron Avenue  
Address 2  
City Pierre  
State SD  
Postal Code 57501  
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

SMITH, GAMBRELL & RUSSELL  
1130 CONNECTICUT AVENUE, N.W.,  
SUITE 1130  
WASHINGTON DC 20036

**MAILED**  
**MAR 12 2012**  
**OFFICE OF PETITIONS**

In re Patent No. 8,034,673 :  
Issued: October 11, 2011 :  
Kadonaga et al. : ON PETITION  
Application No. 12/417,939 :  
Filed: June 9, 2009 :  
Atty Docket No. 033082 M 616 :

This is in response to the "PETITION UNDER 37 C.F.R. § 1.57(a)" filed June 9, 2009, requesting that the above-referenced application be accorded a filing date of April 3, 2009 and include the inadvertently omitted drawings. This petition is being treated pursuant to 37 CFR 1.53(e)(2)<sup>1</sup>. This petition was recently forwarded to the deciding attorney for consideration.

Application papers in the above-identified application were deposited on April 3, 2009. However, on April 10, 2009, the Office 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. (In addition, the statutory filing fee and executed oath or declaration was missing).

In response, applicants timely filed this petition (along with the executed declaration, filing fees and late surcharge).

---

<sup>1</sup>Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Applicants acknowledge that the drawings (figures 1-8) were inadvertently omitted from the nonprovisional application. Preliminarily, applicants state that as the claims are directed to a film formation method, pursuant to MPEP 601.01(f) and current USPTO practice, this application should be treated as one in which a drawing is not necessary for an understanding of the invention, under 35 U.S.C. 113.

Further, applicants state that this application claims priority under 35 U.S.C. 119 from Japanese Application No. 2008-109613, and as such, pursuant to 37 CFR 1.57(a) the priority claim must be considered an incorporation by reference of JP2008-109613 as to the inadvertently omitted drawings.

It is controlling that 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. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

If 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, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should

be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

To the extent the instant petition requests a filing date of April 3, 2009 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded to the Deposit Account, as authorized.

Given that the application is entitled to a filing date without drawings, no petition pursuant to 37 CFR 1.57(a) is required to add the inadvertently omitted drawings. Rather, the examiner should consider entry of the amendment to include the inadvertently omitted drawings.

It is noted that on filing this application included a claim for priority under 35 U.S.C. 119 from Japanese Application No. 2008-109,613. Thus, there is no new matter issue with respect to these drawings.

In this instance, an amendment as required by 37 CFR 1.57(a)(1) to add the inadvertently omitted Figures 1-8 contained in the Japanese Application was submitted with the petition. By non-final Office action mailed January 21, 2011, the examiner considered the amendment and accepted the drawings filed June 9, 2009. Further, the patent as issued on October 11, 2011 included the 8 sheets of drawings.

The Office of Patent Application Processing (OPAP) has been advised of this decision. Pursuant to this decision, the application has been referred to OPAP for:

- **according of a filing date of April 3, 2009;**
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing;** and
- **for issuance of a filing receipt.**

Thereafter, the application should be referred to the Certificates of Correction branch for issuance of a Certificate of Correction, consistent with this decision, correcting the filing date of the application to April 3, 2009 by way of issuance of a certificate of correction.

Application No. 12/417,939

Page 4

Telephone inquiries concerning this matter may be directed to  
Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.



Chris Bottorff  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

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

Decision Date : March 30, 2012

In re Application of :

Joseph Glorioso

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12418062

Filed : 03-Apr-2009

Attorney Docket No : 266447

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 30, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

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

This application file is being referred to Technology Center AU 1632 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	12418062
Filing Date	03-Apr-2009
First Named Inventor	Joseph Glorioso
Art Unit	1632
Examiner Name	MICHAEL WILSON
Attorney Docket Number	266447
Title	CELL LINE

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	/Christine M. Cochran/
Name	Christine M. Cochran
Registration Number	52757



UNITED STATES 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)

PATENT GROUP 2N  
JONES DAY  
NORTH POINT  
901 LAKESIDE AVENUE  
CLEVELAND, OH 44114

**MAILED**  
**FEB 03 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Revathi Subramanian, et al. :  
Application No.: 12/418,174 : **ON PETITION**  
Filed: April 3, 2009 :  
Attorney Docket No.: 343355-600232 :

This is a decision on the petition under 37 CFR 1.182, filed December 1, 2010, to change the name of joint inventor "Chao-wen Chen" to – Kevin Chaowen Chen --.

The petition is **GRANTED**.

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2100 for prosecution in due course.

/SDB/

Sherry D. Brinkley  
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: 12/418,174, 04/03/2009, 2100, 1090, 343355-600232, 13, 2

CONFIRMATION NO. 7917

CORRECTED FILING RECEIPT



81261
Patent Group 2N
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114

Date Mailed: 02/02/2011

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)

Revathi Subramanian, San Diego, CA;
Radu Drossu, San Diego, CA;
Kevin Chaowen Chen, San Diego, CA;
Paul C. Dulany, San Diego, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 11/691,277 03/26/2007
which claims benefit of 60/786,038 03/24/2006

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

If Required, Foreign Filing License Granted: 04/16/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/418,174

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Computer-Implemented Data Storage Systems And Methods For Use With Predictive Model Systems

**Preliminary Class**

706

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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

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

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

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

**NOT GRANTED**

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**PATENT GROUP 2N  
JONES DAY  
NORTH POINT  
901 LAKESIDE AVENUE  
CLEVELAND OH 44114**

**MAILED  
JAN 31 2011  
OFFICE OF PETITIONS**

In re Application of :  
Revathi SUBRAMANIAN et al. :  
Application No. 12/418,186 : **DECISION ON PETITION**  
Filed: April 03, 2009 :  
Attorney Docket No. 343355-600233 :

This is a decision on the petition under 37 CFR 1.182, filed, December 01, 2010, to change the name of inventor "Chao-wen Chen" to -- "Kevin Chaowen Chen" --.

The petition is **GRANTED**.

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

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3693.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 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: 12/418,186, 04/03/2009, 3693, 1090, 343355-600233, 15, 2

CONFIRMATION NO. 7939

CORRECTED FILING RECEIPT



81261
Patent Group 2N
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114

Date Mailed: 01/31/2011

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)

Revathi Subramanian, San Diego, CA;
Radu Drossu, San Diego, CA;
Kevin Chaowen Chen, San Diego, CA;
Paul C. Dulany, San Diego, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 11/691,277 03/26/2007
which claims benefit of 60/786,038 03/24/2006

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

If Required, Foreign Filing License Granted: 04/16/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/418,186

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

Computer-Implemented Data Storage Systems And Methods For Use With Predictive Model Systems

**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).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

WOLF GREENFIELD (Microsoft Corporation)  
C/O WOLF, GREENFIELD & SACKS, P.C.  
600 ATLANTIC AVENUE  
BOSTON MA 02210-2206

**MAILED**  
**DEC 07 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Horvitz :  
Application No. 12/418,226 : DECISION ON RENEWED PETITION  
Filed: April 3, 2009 : PURSUANT TO  
Attorney Docket No.: : 37 C.F.R. § 1.137(B)  
M1103.70746US00 :  
Title: BUILDING AND USING :  
PREDICTIVE MODELS OF CURRENT :  
AND FUTURE SURPRISES :

This is a decision on the renewed petition, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on June 28, 2010.

This renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed June 5, 2009, which set a shortened statutory period for reply of two months and required replacement drawings. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on August 6, 2009. A notice of abandonment was mailed on February 19, 2010.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);

- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on March 24, 2010, along with replacement drawings, the petition fee, and the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on June 14, 2010, which indicated that the second and third requirements of Rule 1.137(b) have been satisfied, the fourth requirement is not applicable since a terminal disclaimer is not required,<sup>1</sup> and the concurrently submitted replacement drawings could not be entered as they are not labeled as "Replacement Sheets."

With this renewed petition, Petitioner has included five properly labeled sheets of replacement drawings. It follows that the first requirement of Rule 1.137(b) has been satisfied.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

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

---

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

Decision on Renewed Petition under 37 C.F.R. § 1.137(b)

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.<sup>2</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

<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.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:**20120305

**DATE** : March 5, 2012

**TO SPE OF** : ART UNIT 2876

**SUBJECT** : Request for Certificate of Correction on Patent No.: 8002182

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

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - PK 3-910**

Palm location **7590** - Tel. No. 305-8201

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

**Thank You For Your Assistance**

\_\_\_\_\_  
**Certificates of Correction Branch**

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

Note your decision on the appropriate box.

**Approved**

**All changes apply.**

**Approved in Part**

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

**Denied**

State the reasons for denial below.

**Comments:**

**SPE:** Michael G. Lee

**Art Unit** 2876



UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUALCOMM INCORPORATED  
5775 MOREHOUSE DR  
SAN DIEGO CA 92121

**MAILED**  
**DEC 10 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Shokrollahi, et al. :  
Application No. 12/418,378 : DECISION ON PETITION  
Filed: April 3, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 091839C1C1C1 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 25, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed application 11/104,391, filed April 11, 2005, set forth in the Amendment submitted 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.

This instant petition does not satisfy requirement (1) above.

With respect to requirement (1), the desired claim to application No. 11/104,391 is not proper because the claim to the '391 application was not made in application No. 11/894,670.

Furthermore, it is noted that petitioner has incorporated the '391 application by reference. However, 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 or § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 or § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

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

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

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

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

Any questions concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.



Chris Bottorff  
Supervisory Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUALCOMM INCORPORATED  
5775 MOREHOUSE DR  
SAN DIEGO CA 92121

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

In re Application of :  
Shokrollahi, et al. :  
Application No. 12/418,378 : DECISION ON PETITION  
Filed: April 3, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 091839C1C1C1 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 15, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed application 11/104,391, filed April 11, 2005, set forth in the Amendment filed on April 25, 2011.

The petition is **DISMISSED**.

Applicants previously filed a petition under 37 CFR 1.78(a)(3) on November 3, 2009. However, the petition was dismissed in a decision mailed on July 20, 2010. The petition was dismissed because the priority claims contained in the ADS were not consistent with the claims contained in the Preliminary Amendment. Applicants filed a renewed petition on October 25, 2010. However, that petition was dismissed in a decision mailed on December 10, 2010. The decision explained that the claim to the '391 application was not proper because the claim to the '391 application was not made in application No. 11/894,670. In addition, Applicants improperly incorporated the '391 application be reference.

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.

With the instant renewed petition, Applicants have pointed out that they previously removed the incorporation by reference statement with respect to the '391 application. In addition, Applicants have directed the Office's attention to the filing of a Reissue Application and a petition under 37 CFR 1.78(a)(3) on November 17, 2011, in the parent '670 application.

The Office acknowledges Applicants' correction with respect to removal of the incorporation by reference statement. However, there is no evidence that Applicants have yet corrected the other ground for dismissal – the claim of priority from the '670 application to the '391 application. Applicants state that they have filed a reissue application in the '670 application on November 17, 2011. However, there is no record of this in PALM for the '670 application, nor have Applicants given the reissue application number. Moreover, the reissue application has to be granted, not merely filed, in order to correct this issue via reissue.

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

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. 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 Group Art Unit 2819 for consideration of the RCE filed December 21, 2011.



Chris Bottorff  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BEUSSE WOLTER SANKS MORA & MAIRE, P. A.**  
**390 NORTH ORANGE AVENUE**  
**SUITE 2500**  
**ORLANDO FL 32801**

**MAILED**

**DEC 19 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Stephen A. COON :  
Application No. 12/418,397 : **DECISION ON PETITION**  
Filed: April 03, 2009 :  
Attorney Docket No. 11478-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 15, 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, December 13, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$930.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of December 13, 2010 is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 3635 for appropriate action by the Examiner in the normal course of business on the reply received.

/Michelle R. Eason/  
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

QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO, CA 92121

**MAILED**  
MAR 29 2012

**OFFICE OF PETITIONS**

In re Application of Paul L. Bugyik :  
Patent No. 8,138,830 :  
Issue Date: March 20, 2012 : DECISION ON PETITION  
Application No. 12/418,408 :  
Filing Date: April 3, 2009 :  
Attorney Docket No. 082520 :

This decision responds to the request filed February 13, 2012, which is being treated as a petition under 37 C.F.R. § 1.705(b). The petition agrees the Office's initial determination of patent term adjustment of 0 days is correct, but disagrees with the Office's computation of Applicant delay.

The petition is **dismissed**.

The Office issued a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application on November 10, 2011, advising Petitioner of a patent term adjustment to date of 0 days. Petitioner submitted the issue fee on February 9, 2012. Petitioner filed the instant petition on February 12, 2012.

Pursuant to 37 C.F.R. § 1.705(b), a petition under 37 C.F.R. § 1.705(b) "must be filed no later than the payment of the issue fee." The instant petition was filed three days after payment of the issue fee. Therefore, the petition is untimely and is hereby dismissed.

The \$200 fee set forth in 37 C.F.R. § 1.18(e) has been charged to the deposit account identified in the petition pursuant to the general fee authorization in the petition.

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

**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:	12/418,452	Filing date:	April 3, 2009
-----------------	------------	--------------	---------------

First Named Inventor:	Weidong Zhao
-----------------------	--------------

Title of the Invention:	PARALLEL PROGRAMMING AND EXECUTION SYSTEMS AND TECHNIQUES
-------------------------	---

**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/US10/28922

**The international filing date of the corresponding PCT application(s) is/are:** March 26, 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.:	12/418,452
First Named Inventor:	Weidong Zhao

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

Is attached

Has already been filed in the above-identified U.S. application on January 11, 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
1-6	1-6	Claims are identical except for numerical references that refer to the drawings in the PCT application
7		US Claim 7 is patentable because it is dependent upon claim 1, which the ISR has deemed patentable in corresponding PCT claim 1.
8		US Claim 8 is patentable because it is dependent upon claim 1, which the ISR has deemed patentable in corresponding PCT claim 1.
9	7	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 9, which the ISR has deemed patentable in corresponding PCT claim 7.
11	8	Claims are identical except for numerical references that refer to the drawings in the PCT application
12		US Claim 12 is patentable because it is dependent upon claim 11, which the ISR has deemed patentable in corresponding PCT claim 8.
13		US Claim 13 is patentable because it is dependent upon claim 12, which the ISR has deemed patentable through its relationship to PCT claim 8.
14		US Claim 14 is patentable because it is dependent upon claim 1, which the ISR has deemed patentable in corresponding PCT claim 1.
15	9	Claims are identical except for numerical references that refer to the drawings in the PCT application
16		US Claim 16 is patentable because it is dependent upon claim 15, which the ISR has deemed patentable in corresponding PCT claim 9.
17		US Claim 17 is patentable because it is dependent upon claim 16, which the ISR has deemed patentable through its relationship to PCT claim 9.
18		US Claim 18 is patentable because it is dependent upon claim 16, which the ISR has deemed patentable through its relationship to PCT claim 9.
19		US Claim 19 is patentable because it is dependent upon claim 15, which the ISR has deemed patentable in corresponding PCT claim 9.
20	10	Claims are identical except for numerical references that refer to the drawings in the PCT application

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

Signature /James R. Banowsky/	Date April 21, 2011
Name (Print/Typed) James R. Banowsky	Registration Number 37,773

## Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/418,452	04/03/2009	Weidong Zhao	325741.01	8489
69316	7590	06/13/2011	EXAMINER	
MICROSOFT CORPORATION			CHAN, EDDIE P	
ONE MICROSOFT WAY			ART UNIT	PAPER NUMBER
REDMOND, WA 98052			2183	
			NOTIFICATION DATE	DELIVERY MODE
			06/13/2011	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):

vffiling@microsoft.com  
stevensp@microsoft.com  
ntovar@MICROSOFT.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICROSOFT CORPORATION  
ONE MICROSOFT WAY  
REDMOND WA 98052

In re Application of: ZHAO et al.  
Application No. 12/418,452  
Atty Docket #: 325741.01  
Filed: April 3, 2009  
For: PARALLEL PROGRAMMING AND  
EXECUTION SYSTEMS AND TECHNIQUES

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed April 21, 2011 to make the above- identified application special.

The petition is **GRANTED**.

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

- (1) The U.S. application is
  - (a) a national stage entry of the corresponding PCT applicationOr
  - (b) a national application which forms the basis for the priority claim in the corresponding PCT applicationOr
  - (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT applicationOr
  - (d) a national application claiming foreign domestic priority to the corresponding PCT application.  
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.Or
  - (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

Application SN 12418452  
Decision on Petition

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

---

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/418,474	04/03/2009	Yoshihisa Kizuka	8616P668	8536

8791 7590 10/07/2010  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER

HERNDON, HEATHER R

ART UNIT PAPER NUMBER

2176

MAIL DATE DELIVERY MODE

10/07/2010

PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

In re Application of: KIZUKA et al.  
Application No. 12/418,474  
Attorney Docket #: 8616P668  
Filed: April 3, 2009  
For: **DISPLAY PROCESSING APPARATUS,  
DISPLAY PROCESSING METHOD, AND  
COMPUTER PROGRAM PRODUCT**

**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 18, 2010 to make the above-identified application special.

The petition is **GRANTED**.

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

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

- (ii) validly claims priority to a PCT application that contains no priority claims, or
- (iii) contains no priority claim.

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

(2) Applicant must submit a copy of:

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

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

(3) Applicant must:

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

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

(5) Applicant must submit:

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

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

- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
- c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

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

The petition is **GRANTED**.

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

---

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHWEGMAN LUNDBERG & WOESSNER, PA  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

**MAILED**  
JAN 31 2012

In re Application of :  
Marc Devinentis et al :  
Application No. 12/418,482 : DECISION GRANTING PETITION  
Filed: April 3, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 2447.035US1 :

**OFFICE OF PETITIONS**

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 30, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

**Petitioner is advised that the issue fee paid on January 20, 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 2819 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/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).



UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

**MAILED**

FEB 06 2012

In re Application of : **OFFICE OF PETITIONS**  
Marc DeVincentis et al :  
Application No. 12/418,482 : DECISION ON PETITION  
Filed: April 3, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 2447.035US1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 30, 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 and Application Data Sheet (ADS) filed with the petition.

The petition is **GRANTED**.

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

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

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

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37**

**CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. 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 2819 for 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.

/KOC/  
Karen Creasy  
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: 12/418,482, 04/03/2009, 2819, 527, 2447.035US1, 20, 2

CONFIRMATION NO. 8549

CORRECTED FILING RECEIPT

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402



Date Mailed: 02/06/2012

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)

Marc DeVincentis, Palo Alto, CA;
Abdeslam Hafidi, Cupertino, CA;
Richard Gilliard, Morgan Hill, CA;
Dan O'Hare, Livermore, CA;

Assignment For Published Patent Application

Luxim Corporation, Sunnyvale, CA

Power of Attorney: The patent practitioners associated with Customer Number 21186

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/042,669 04/04/2008
and is a CIP of 12/444,352 03/01/2010
which is a 371 of PCT/US07/82022 10/19/2007
which claims benefit of 60/862,405 10/20/2006

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

If Required, Foreign Filing License Granted: 04/15/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/418,482

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

ELECTRODELESS LAMPS AND METHODS

**Preliminary Class**

315

**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).

---

### **SelectUSA**

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).



UNITED STATES 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)

**MAILED**

**AUG 11 2010**

**OFFICE OF PETITIONS**

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

In re Application of :  
Andrea Yuen et al : DECISION GRANTING STATUS  
Application No. 12/418,518 : UNDER 37 CFR 1.47(a)  
Filed: April 3, 2009 :  
Attorney Docket No. KSENS.100A :

This is a decision on the petition filed January 4, 2010 under 37 CFR 1.47(a).

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor Anders Host Madsen 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.

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

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

  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAILED**

**AUG 11 2010**

**OFFICE OF PETITIONS**

Anders Host Madsen  
1322 Kanewai St.  
Honolulu, HI 96816

In re Application of  
Andrea Yuen; Amy Droitcour; Anders Host Madsen; Byung Kwon Park; Charles El Hourani; Tommy Shing  
Application No. 12/418,518  
Filed: April 3, 2009  
For: NON-CONTACT PHYSIOLOGIC MOTION SENSORS AND METHODS FOR USE

Dear Mr. Madsen:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to 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 the Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington, DC area).

/s/  
David Bucci  
Petition Examiner  
Office of Petitions

cc: Knobbe, Martens, Olson & Bear LLP  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BOZICEVIC, FIELD & FRANCIS LLP  
1900 UNIVERSITY AVENUE  
SUITE 200  
EAST PALO ALTO CA 94303**

**MAILED**

**MAR 06 2012**

**OFFICE OF PETITIONS**

In re Application of  
Chun-Nan Chen et al.  
Application No. 12/418,519  
Filed: April 3, 2009  
Attorney Docket No. SCTI-0001

:  
:  
:  
:  
:  
:  
:

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2012.

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 signing inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

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

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BOZICEVIC, FIELD & FRANCIS LLP  
1900 UNIVERSITY AVENUE  
SUITE 200  
EAST PALO ALTO CA 94303**

**MAILED  
MAR 06 2012  
OFFICE OF PETITIONS**

In re Application of :  
Chun-Nan Chen et al. :  
Application No. 12/418,520 :  
Filed: April 3, 2009 :  
Attorney Docket No. SCTI-0002 :  
: **DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2012.

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 signing inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

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

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BOZICEVIC, FIELD & FRANCIS LLP  
1900 UNIVERSITY AVENUE  
SUITE 200  
EAST PALO ALTO CA 94303**

**MAILED**

**MAR 06 2012**

**OFFICE OF PETITIONS**

In re Application of  
Chun-Nan Chen et al.  
Application No. 12/418,521  
Filed: April 3, 2009  
Attorney Docket No. SCTI-0003

:  
:  
:  
:  
:  
:  
:

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2012.

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 signing inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

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

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

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEINS & ASSOCIATES  
2333 CAMINO DEL RIO SOUTH  
SUITE 120  
SAN DIEGO CA 92108

**MAILED**  
NOV 15 2010  
OFFICE OF PETITIONS

In re Application of :  
Ron ANDERSON :  
Application No. 12/418,533 : DECISION ON PETITION  
Filing Date: April 03, 2009 :  
Attorney Docket No. RAN1-K48 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 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 mailed April 17, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of April 17, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231

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

  
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)

**HISCOCK & BARCLAY, LLP**  
**2000 HSBC PLAZA**  
**100 Chestnut Street**  
**ROCHESTER NY 14604-2404**

**MAILED**

**JUL 05 2011**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Thomas Cartwright	:	
Application No. 12/418,549	:	<b>DECISION ON PETITION</b>
Filed: April 3, 2009	:	<b>TO WITHDRAW</b>
Attorney Docket No. 3030359 US02	:	<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 June 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Thomas R. FitzGerald, on behalf of all attorneys/agents associated with customer number 44331. All attorneys/agents associated with customer number 44331 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: Thomas Cartwright  
365 NE Baker Road  
Stuart, FL 34994



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
12/418,549	04/03/2009	Thomas Cartwright	3030359 US02

**CONFIRMATION NO. 8694**

**POWER OF ATTORNEY NOTICE**



44331  
HISCOCK & BARCLAY, LLP  
2000 HSBC PLAZA  
100 Chestnut Street  
ROCHESTER, NY 14604-2404

Date Mailed: 07/01/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/22/2011.

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

/kainabinet/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

HARBOR BIOSCIENCES, INC.  
9191 TOWNE CENTRE DRIVE  
SUITE 409  
SAN DIEGO CA 92122

**MAILED**  
**NOV 07 2011**  
**OFFICE OF PETITIONS**

In re Application of  
White : DECISION ON PETITION  
Application No. 12/418,559 : PURSUANT TO  
Filed: April 3, 2009 : 37 C.F.R. § 1.181(A)  
Attorney Docket No.: 340.1 :  
Title: SOLID STATE FORMS OF A :  
PHARMACEUTICAL :

This is a decision on the petition filed October 18, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

Receipt of the concurrently submitted remarks is acknowledged.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed March 18, 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 June 19, 2011. A notice of abandonment was mailed on October 5, 2011.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable** (emphasis added). It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

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

equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

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

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

#### ANALYSIS

With this petition, Petitioners have stated that the Office action was not received at the correspondence address of record<sup>1</sup> and that a search of the "Applicants' records, including the "docketing system and electronic files" was performed, and the relevant Office communication was not located.<sup>2</sup> Petitioners have further provided both a copy of the master docket for the relevant time period<sup>3</sup> and a copy of the docket report that is associated with this particular application.<sup>4</sup>

Petitioners' assertion of non-receipt has not been adequately supported, as will be now pointed out.

---

1 Declaration of facts, paragraphs 2 and 19.

2 *Id.* at 6-7.

3 Attachment entitled "Due Date List By Date."

4 Attachment entitled "Country Application."

Petitioners have failed to either describe the docketing system that Petitioners have in place or establish that it is sufficiently reliable.

More specifically, Petitioners have indicated that a computerized docketing system is utilized, and that when mail is received from the Office, due dates are entered into this system.<sup>5</sup> However, it is not clear how this docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner. Petitioners have indicated that this computer-based docketing software program generates reports:<sup>6</sup> are these reports distributed to the responsible attorneys/agents? Does the computer-based docketing software generate periodic reminders prior to the due dates? If so, are these reminders distributed to the responsible attorneys/agents?

On renewed petition, this matter should be further developed.

#### CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,<sup>7</sup> hand-delivery,<sup>8</sup> or facsimile.<sup>9</sup> Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>10</sup>

Statements based on hearsay will not normally be accepted.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries

---

5 Declaration of facts, paragraphs 13 - 14.

6 *Id.* at 17 and 18.

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

8 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

9 (571) 273-8300: please note this is a central facsimile number.

10 <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>

concerning examination procedures should be directed to the  
Technology Center.



---

Paul Shanoski  
Senior Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

**MAILED**

**DEC 19 2011**

**OFFICE OF PETITIONS**

HARBOR BIOSCIENCES, INC.  
9191 TOWNE CENTRE DRIVE  
SUITE 409  
SAN DIEGO CA 92122

In re Application of  
White : DECISION ON RENEWED  
Application No. 12/418,559 : PETITION PURSUANT TO  
Filed: April 3, 2009 : 37 C.F.R. § 1.181(A)  
Attorney Docket No.: 340.1 :  
Title: SOLID STATE FORMS OF A :  
PHARMACEUTICAL :

This is a decision on the renewed petition filed November 15, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed March 18, 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 June 19, 2011. A notice of abandonment was mailed on October 5, 2011.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on October 18, 2011, along with an assertion that the Office action was not received at the correspondence address of record,<sup>1</sup> and that a search of the "Applicants' records, including the "docketing system and electronic files" was performed, and the

<sup>1</sup> Declaration of facts submitted with the original petition, paragraphs 2 and 19.

relevant Office communication was not located.<sup>2</sup> Petitioners further provided a copy of the master docket for the relevant time period,<sup>3</sup> a copy of the docket report that is associated with this particular application,<sup>4</sup> and an indication that a computerized docketing system is utilized, and that when mail is received from the Office, due dates are entered into this system.<sup>5</sup>

The original petition was dismissed via the mailing of a decision on November 7, 2011, which indicated that Petitioners' assertion of non-receipt was not sufficiently supported.

With this renewed petition, Petitioner has asserted that "docketing system reminders and final deadlines" are entered into the aforementioned computerized docketing system, including "the shortened statutory due date and the 6 month statutory date and reminders for each of those dates," and that the computerized docketing system generates print-outs every two weeks which are distributed to the responsible attorney, who then distributes them to the responsible agent.<sup>6</sup>

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioners have met their burden of establishing that the non-final Office action of March 18, 2011 was not received, pursuant to MPEP § 711.03(c).

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 remarks submitted on October 18, 2011 can receive further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment 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

---

<sup>2</sup> Id. at 6-7.

<sup>3</sup> Attachment included with the original petition and entitled "Due Date List By Date."

<sup>4</sup> Attachment included with the original petition and entitled "Country Application."

<sup>5</sup> Declaration of facts submitted with the original petition, paragraphs 13 - 14.

<sup>6</sup> Declaration of facts submitted with the renewed petition, paragraphs 12 - 14.

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>7</sup> All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



---

Paul Shanowski  
Senior Attorney  
Office of Petitions

---

<sup>7</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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes sub-tables for EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, and DELIVERY MODE.

Please find below 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@coloplast.com
dkbvd@coloplast.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)

COLOPLAST A/S  
Attention: Corporate Patents  
Holtedam 1  
DK-3050 Humlebaek DK DENMARK

*In re* Application of: :  
MORNINGSTAR, RANDY L. :  
Serial No.: 12/418,616 : DECISION ON PETITION TO  
Filed: April 6, 2009 : WITHDRAW HOLDING OF  
Docket: 2007058-US : ABANDONMENT  
Title: IMPLANTABLE FLUID DEVICES :

This is a decision on petitioner's request filed August 25, 2010 requesting withdrawal of the holding of abandonment of the above-identified application because the applicant paid the issue fee late.

The petition is dismissed.

On April 30, 2010, the examiner allowed the application by sending out a Notice of Allowability and Notice of Allowance and Fee Due. In the Notice of Allowance and Fee Due, the applicant was given three months to pay the issue fee. On May 10, 2010, the examiner did an Examiner's Amendment to correct the number of claims allowed and send out another corrected Notice of Allowability. On August 5, 2010, the applicant paid the issue fee and was untimely. The application became abandoned for failure to pay issue fee on or before July 30, 2010.

In the petition, petitioner argues that the Notice of Allowability mailed on May 10, 2010 states "Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE." Therefore, the applicant's deadline for payment of issue fee should be re-started from the mailing date of the Notice of Allowability of May 10, 2010. This argument is not persuasive because the paragraph was referring to a timely reply for "noted below" in items as listed in boxes 4, 5 and/or 6. Since there is no box checked below the quoted paragraph, therefor, the three month time period referred to does not apply to the period to pay issue fee due. Moreover, the issue fee payment deadline is always set in the Notice of Allowance and Fee Due not in the Notice of Allowability. Thus, the issuance of notice of abandonment is proper.

*Application Serial No. 12/418,616*  
*Decision on Petition*

---

Petitioners may file a renewed petition, without fee, addressing the points raised above. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extensions of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Alternatively, petitioners may wish to consider filing a petition to revive under 37 CFR 1.137. The rules and MPEP sections cited may be found on the USPTO website at: [www.uspto.gov](http://www.uspto.gov).

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

PETITION DISMISSED.

  
Angela D. Sykes, Director  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

COLOPLAST A/S  
Attention: Corporate Patents  
Holtedam 1  
DK-3050 Humlebaek  
DENMARK

**MAILED**  
**DEC 07 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Morningstar :  
Application No. 12/418,616 : DECISION ON PETITION  
Filed: April 6, 2009 : PURSUANT TO  
Attorney Docket No.: : 37 C.F.R. § 1.137(B)  
2007058-US :  
Title: IMPLANTABLE FLUID :  
DEVICES :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 15, 2010, 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 submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 30, 2010, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue<sup>1</sup> or publication fees.<sup>2</sup> Accordingly, the above-identified application became abandoned on July 31, 2010. Both the issue and publication fees were received on August 5, 2010. A Notice of Abandonment was mailed on August 17, 2010.

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

(1) The reply required to the outstanding Office

<sup>1</sup> See MPEP § 710.02(e)(III).

<sup>2</sup> See 37 C.F.R. § 1.211(e).

- action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
  - (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
  - (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has submitted a statement that is being construed as the proper statement of unintentional delay. As such, requirements one through three 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>3</sup>

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

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 Office of Patent Publication 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 Office of Patent Publication 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

---

<sup>3</sup> See Rule 1.137(d).

directed to the undersigned at (571) 272-3225.<sup>4</sup> All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

<sup>4</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.

**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:	12/418,625	Filing date:	04-06-2009
-----------------	------------	--------------	------------

First Named Inventor:	Wade Clark Dorrell
-----------------------	--------------------

Title of the Invention:	METRIC-BASED EVENTS FOR SOCIAL NETWORKS
-------------------------	---

**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/US10/29713

**The international filing date of the corresponding PCT application(s) is/are:** April 1, 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.

PATENT

First Named Inventor: Wade Clark Dorrell  
Application No.: 12/418,625  
Filed: 04-06-2009  
Customer No.: 69316  
Title: METRIC-BASED EVENTS FOR SOCIAL NETWORKS

Attorney Docket No.: 326746.01  
Group Art Unit: 3629  
Examiner: MCCORMICK, GABRIELLE A  
Confirmation Number: 8908

Commissioner for Patents  
P.O. Box 1460  
Alexandria, VA 22313-1450

**Statement on Request for Participation in the  
PCT-Patent Prosecution Highway Pilot Program**

Dear Sir:

Applicant states that claims 1-15 in the US application are identical to claims 1-15 in the PCT application except for a formatting difference in the PCT claims that includes the numerical references that refer to the drawings. Applicant also requests consideration of US claim 16 even though the claim is not included in the PCT application because it depends on claim 12, which is deemed patentable by the international search report.

US Independent claim 17 and its dependent claims, 18-20, were also not included in the PCT application. Claim 17, however, sufficiently corresponds to US claim 4 through a combination of elements of US claims 1, 3, and 4 that have counterpart allowable PCT claims.

PATENT

Accordingly, applicant requests the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant’s attorney at the telephone number listed below.

Respectfully submitted,

Date: April 9, 2011

By: James R. Banowsky/  
Atty: James R. Banowsky  
Reg. No.: 37,773  
Direct telephone: (425) 705-3539  
Microsoft Corporation  
One Microsoft Way  
Redmond WA 98052-6399

**CERTIFICATE OF MAILING OR TRANSMISSION**  
**(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING**

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

April 9, 2011  
Date

/Eric Matt/  
Eric Matt

**CLAIMS**

1. A computer storage medium having computer-executable instructions stored thereupon which, when executed by a computer, cause the computer to:
  - receive an actual value (116) for a metric;
  - 5 receive a threshold value (120) for the metric;
  - determine whether an event (212) has occurred with respect to the metric by comparing the actual value (116) to the threshold value (120); and to
    - cause a notification (124) of the event (212) to be generated in a social network (126) in response to determining that the event (212) has occurred.
- 10 2. The computer storage medium of claim 1, having further computer-executable instructions stored thereupon which, when executed by the computer, cause the computer to receive a name for the threshold value, and wherein causing a notification of the event to be generated in the social network comprises causing the name to be displayed in an event feed of the social network.
- 15 3. The computer storage medium of claim 1, having further computer-executable instructions stored thereupon which, when executed by the computer, cause the computer to:
  - retrieve one or more comments relating to the notification of the event from the event feed; and to
    - 20 determine the importance of the event by analyzing the retrieved comments.
4. The computer storage medium of claim 3, wherein the social network comprises an enterprise social network.
5. The computer storage medium of claim 4, wherein causing a notification of the event to be generated in the social network comprises pushing a notification of the event
  - 25 into the social network.
6. The computer storage medium of claim 4, wherein causing a notification of the event to be generated in the social network comprises making the notification of the event available for retrieval.
7. The computer storage medium of claim 4, wherein the metric comprises a key
  - 30 performance indicator (KPI).
8. The computer storage medium of claim 7, wherein the notification of the event comprises the name and a name of a user associated with the event.

9. A computer-implemented method for providing a notification (124) of the occurrence of a metric-based event (212) in a social network (126), the computer-implemented method comprising performing computer-implemented operations for:
- 5 receiving a threshold value (120) for the metric and a name (210) associated with the threshold value (120);
- retrieving an actual value (116) for the metric;
- determining whether an event (212) occurred with respect to the metric by comparing the actual value (116) to the threshold value (120); and
- 10 causing a notification (124) of the occurrence of the event (212) to be generated in a social network (126) in response to determining that the event (212) occurred.
10. The computer-implemented method of claim 9, wherein the notification comprises the name associated with the threshold value.
11. The computer-implemented method of claim 10, wherein the notification further comprises the name of a user associated with the actual value.
- 15 12. The computer-implemented method of claim 11, wherein causing a notification of the occurrence of the event to be generated in a social network comprises causing the notification of the event to be generated in an event feed of the social network.
13. The computer-implemented method of claim 12, wherein causing a notification of the occurrence of the event to be generated in a social network comprises pushing the
- 20 notification of the event into the social network.
14. The computer-implemented method of claim 12, wherein causing a notification of the occurrence of the event to be generated in a social network comprises making the notification of the event available for retrieval.
15. The computer-implemented method of claim 12, wherein the social network
- 25 comprises an enterprise social network.

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: MICROSOFT CORPORATION  Attn - Virginia Coggan (vcoggan) LCA - International Patent One Microsoft Way 8/1188 Redmond Washington 98052-6399 USA		<h1>PCT</h1>  <b>NOTIFICATION OF TRANSMITTAL OF          THE INTERNATIONAL SEARCH REPORT AND          THE WRITTEN OPINION OF THE INTERNATIONAL          SEARCHING AUTHORITY, OR THE DECLARATION</b>  (PCT Rule 44.1)
		Date of mailing (day/month/year) 12 NOVEMBER 2010 (12.11.2010)
Applicant's or agent's file reference 326746-02	FOR FURTHER ACTION See paragraphs 1 and 4 below	
International application No. <b>PCT/US2010/029713</b>	International filing date (day/month/year) <b>01 APRIL 2010 (01.04.2010)</b>	
Applicant <b>MICROSOFT CORPORATION</b>		

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
**For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004, 9.011.**
2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3.  With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
 the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
 no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

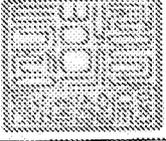
## 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.  
 In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 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/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	Authorized officer  COMMISSIONER  Telephone No. 82-42-481-8752	
--	--	---

\* 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 : **38WFYVOI**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 326746-02	<b>FOR FURTHER ACTION</b>	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. <b>PCT/US2010/029713</b>	International filing date (day/month/year) <b>01 APRIL 2010 (01.04.2010)</b>	(Earliest) Priority Date (day/month/year) <b>06 APRIL 2009 (06.04.2009)</b>
Applicant <b>MICROSOFT CORPORATION</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/US2010/029713

## A. CLASSIFICATION OF SUBJECT MATTER

G06Q 50/00(2006.01)i, G06F 17/00(2006.01)i

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

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G06Q 50/00; G06F 15/16; G06F 17/00; G06F 17/60; G06F 17/30

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: social network, event, notification

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2005-0137886 A1 (KIM LITRELL) 23 June 2005 See the abstract, paragraphs 0027-0028, 0031-0034 and claims 1-28.	1-15
A	US 2008-0126441 A1 (GIAMPAOLO DOMINIC et al.) 29 May 2008 See the abstract, paragraphs 0056-0058, 0060 and claims 1-16.	1-15
A	US 2008-0275956 A1 (SAXENA ABHISHEK et al.) 06 November 2008 See the abstract, paragraphs 0063-0067, 0068-0072 and claims 1-36.	1-15
A	US 2009-0096306 A1 (BODIN WILLIAM K. et al.) 01 January 2009 See the abstract and claims 1-20.	1-15

 Further documents are listed in the continuation of Box C. See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"I" 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

21 OCTOBER 2010 (21.10.2010)

Date of mailing of the international search report

12 NOVEMBER 2010 (12.11.2010)

Name and mailing address of the ISA/KR

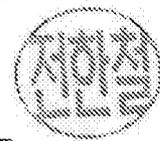
Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu,  
Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

JOEN, HAN CHEOL

Telephone No. 82-42-481-8121



INTERNATIONAL SEARCH REPORT  
Information on patent family members

International application No.  
**PCT/US2010/029713**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2005-0137886 A1	23.06.2005	None	
US 2006-0126441 A1	29.05.2008	None	
US 2008-0275956 A1	06.11.2008	None	
US 2009-0006306 A1	01.01.2009	None	

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To: MICROSOFT CORPORATION  Attn - Virginia Coggan (vcoggan) LCA - International Patent One Microsoft Way 8/1188 Redmond Washington 98052- 6399 USA		<b>PCT</b>  <b>WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY</b>  (PCT Rule 43bis.1)	
		Date of mailing (day/month/year) <b>12 NOVEMBER 2010 (12.11.2010)</b>	
Applicant's or agent's file reference 326746-02		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. <b>PCT/US2010/029713</b>	International filing date (day/month/year) <b>01 APRIL 2010 (01.04.2010)</b>	Priority date(day/month/year) 06 APRIL 2009 (06.04.2009)	
International Patent Classification (IPC) or both national classification and IPC  <b>G06Q 50/00(2006.01)H, G06F 17/00(2006.01)I</b>			
Applicant  <b>MICROSOFT CORPORATION</b>			
1. This opinion contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application			
2. <b>FURTHER ACTION</b> 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 -791, Republic of Korea Facsimile No: 82-42-472-7140		Date of completion of this opinion <b>21 OCTOBER 2010 (21.10.2010)</b>	Authorized officer <b>JOEN, HAN CHEOL</b>  Telephone No.82-42-481-8121 

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2010/029713

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
  - the international application in the language in which it was filed
  - a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2.  This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
  - a. 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/US2010/029713

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

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-15	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims	NONE	NO

2. Citations and explanations:

Reference is made to the following documents:

D1: US 2005-0137286 A1 (KIM LITRELL) 23 June 2005  
 D2: US 2008-0126441 A1 (GIAMPAOLO DOMINIC et al.) 29 May 2008  
 D3: US 2008-0275956 A1 (SAXENA ARHISHEK et al.) 06 November 2008  
 D4: US 2009-0066306 A1 (BODIN WILLIAM K. et al.) 01 January 2009

1. Novelty and Inventive Step

1.1 Claims 1-8

The subject matter of claim 1 differs from these prior art documents in that claim 1 discloses a computer storage medium comprising receiving an actual value for a metric; receiving a threshold value for the metric; determining whether an event has occurred with respect to the metric by comparing the actual value to the threshold value; and causing a notification of the event to be generated in a social network in response to determining that the event has occurred. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-8 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.2 Claims 9-15

Claim 9 relates to a computer-implemented method for performing the subject matter according to claim 1 and the features of claim 9 essentially correspond to those of claim 1. Therefore, claim 9 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 10-15 are dependent on claim 9 and therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-15 are industrially applicable under PCT Article 33(4).



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.
12/418,625	04/06/2009	Wade Clark Dorrell	326746.01	8908
69316	7590	08/17/2011	EXAMINER	
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052			MCCORMICK, GABRIELLE A	
			ART UNIT	PAPER NUMBER
			3629	
			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):

vffiling@microsoft.com  
stevensp@microsoft.com  
ntovar@MICROSOFT.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 16 2011

MICROSOFT CORPORATION  
ONE MICROSOFT WAY  
REDMOND WA 98052

In re application of: : **DECISION ON REQUEST TO**  
DORRELL, Wade Clark : **PARTICIPATE IN PATENT**  
Application No.: 12/418,625 : **PROSECUTION HIGHWAY**  
Filed: April 6, 2009 : **PROGRAM AND PETITION**  
For: METRIC-BASED EVENTS FOR : **TO MAKE SPECIAL UNDER**  
SOCIAL NETWORKS : **37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed April 9, 2011, to make the above-identified application special. Note that while the petition was titled as a request for participation in the PCT-PPH program "between The National Board of Patents and Registration of Finland (NBPR) and the USPTO", the PCT work product submitted was from the KIPO and no NBPR work product or application was found. As a result, this request is being treated as a request for the PCT-PPH program between the KIPO and the USPTO.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

- (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 requirements:
  - (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) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, 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. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim 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 is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(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 file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the 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. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. 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.

(8) 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.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) 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."

In light of the petition and supporting documents filed April 9, 2011, the request to participate in the PPH program complies with the above requirements and the above identified application has been accorded "special" status.

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

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

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



---

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/8/15/11



UNITED STATES 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)

Wolff & Samson PC  
Attn: Jeffrey M. Weinick  
One Boland Drive  
West Orange NJ 07052

**MAILED**  
**MAR 29 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Tatarnikov et al. :  
Application No. 12/418,656 : DECISION ON PETITION  
Filed: April 6, 2009 : PURSUANT TO  
Attorney Docket No.: : 37 C.F.R. § 1.137(B)  
13838.0060 :  
Title: BROADBAND MICROPATCH :  
ANTENNA SYSTEM WITH REDUCED :  
SENSITIVITY TO MULTIPATH :  
RECEPTION :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed February 15, 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 submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed September 20, 2011, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue<sup>1</sup> or publication fees.<sup>2</sup> Accordingly, the above-identified application became abandoned on December 21, 2011. A Notice of Abandonment was mailed on January 6, 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.

<sup>1</sup> See MPEP § 710.02(e) (III).

<sup>2</sup> See 37 C.F.R. § 1.211(e).

§ 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, Applicant has submitted the issue, publication, and petition fees, along with the proper statement of unintentional delay. As such, requirements one through three 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>3</sup>

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

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 Office of Patent Publication 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 Office of Patent Publication 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>4</sup> All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.



Paul Shanoski  
Senior Attorney  
Office of Petitions

---

<sup>3</sup> See Rule 1.137(d).

<sup>4</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.

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 02-25-12

TO SPE OF : ART UNIT 3724

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/418688 Patent No.: 8061241

CofC mailroom date: 01-18-12

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

**FOR IFW FILES:**

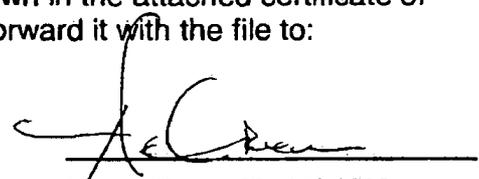
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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**

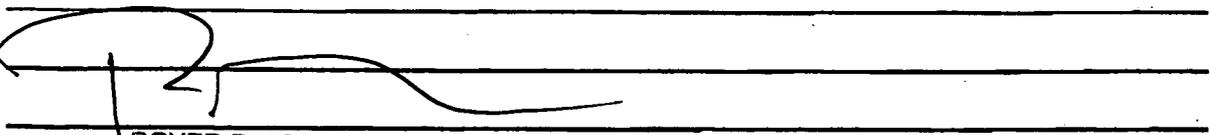
Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

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

\_\_\_\_\_



BOYER D. ASHLEY  
SPE SUPERVISORY PATENT EXAMINER

Art Unit 3724

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**DATE** : 02-25-12

**TO SPE OF** : ART UNIT 3724

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12/418688 Patent No.: 8061241

CofC mailroom date: 01-18-12

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

**FOR IFW FILES:**

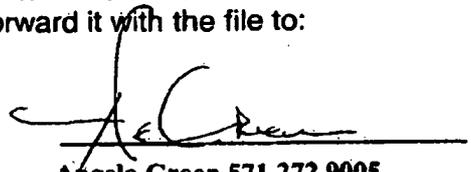
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

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.

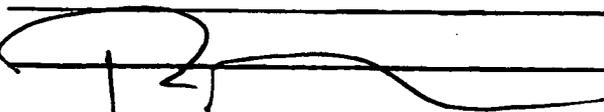
**Denied**

State the reasons for denial below.

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

\_\_\_\_\_

\_\_\_\_\_

  
BOYER D. ASHLEY  
SPE SUPERVISORY PATENT EXAMINER

Art Unit 3724



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.
12/418,695	04/06/2009	Stefan SEIDEL	713-2105 (21935)	9079
33712	7590	04/02/2012	EXAMINER	
LOWE, HAUPTMAN, HAM & BERNER, LLP (ITW)			UPCHURCH, DAVID M	
1700 DIAGONAL ROAD			ART UNIT	PAPER NUMBER
SUITE 300			3677	
ALEXANDRIA, VA 22314			MAIL DATE	DELIVERY MODE
			04/02/2012	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APR - 2 2012

Lowe, Hauptman, Ham & Berner, LLP (ITW)  
1700 Diagonal Road  
Suite 300  
Alexandria, VA 22314

In re Application of: : **DECISION ON PETITION**  
Stefan Seidel : **UNDER 37 CFR 1.144**  
Application No. 12/418,695 :  
Filed: April 6, 2009 :  
:  
For: FASTENING DEVICE

This is in response to applicant's petition under 37 CFR 1.144 filed December 02, 2011 requesting the restriction as specified in the office action dated June 21, 2011, be withdrawn and claims 8-12 be examined.

The Petition is **GRANTED**.

Applicant alleges that the restriction requirement for restriction between Species I (Figs. 1-4) and Species II (Figs. 5-9) is improper since claims 8-12 have been amended such that they do not require the recited bolt as part of the claimed invention and are therefore readable on the elected Species I (Figs. 1-4). A review of the file reveals that claims 8-12 as amended by the amendment filed on July 21, 2011, have been amended to clarify that the recited bolt is not part of the claimed subject matter. The fastening device as set forth in amended claims 8-12 is only adapted to cooperate with a bolt rather than the fastening device being claimed in combination with the bolt. Since amended claims 8-12 no longer require the recited bolt as part of the claimed invention, they are readable on the elected Species I (Figs. 1-4).

In as much as Petitioner's claims 8-12 no longer positively recite the bolt as part of the claimed subject matter, and the claims are directed to elected Species I, they should be examined together with the other claims directed to Species I.

Therefore, the Requirement for Restriction with respect to Species I and Species II is hereby withdrawn. The application will be forwarded to the examiner for a non-final action that treats claims 1-5 and 8-12 on the merits (and any newly added claims included in the amendment filed November 30, 2011) that read on the elected species. Claims 6 & 7 remain withdrawn.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Victor Batson at (571) 272-6987.



---

David Talbott, Director  
Patent Technology Center 3600  
(571) 272-5150

vb/snm: 2/29/12





UNITED STATES PATENT AND TRADEMARK OFFICE

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

BRIGGS AND MORGAN P.A.  
2200 IDS CENTER  
80 SOUTH 8TH ST  
MINNEAPOLIS, MN 55402

**MAILED**

**SEP 01 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Thomas R. Gross, et al. :  
Application No. 12/418,729 : DECISION ON PETITION  
Filed: April 6, 2009 :  
Attorney Docket No.: 39892-08US :

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

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) 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 fails to satisfy items (1), (2) and (3) above.

***In regards to item (1)*** - the reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an



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

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

By internet: EFS-Web<sup>1</sup>

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

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES 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)

BRIGGS AND MORGAN P.A.  
2200 IDS CENTER  
80 SOUTH 8TH ST  
MINNEAPOLIS, MN 55402

**MAILED**

NOV 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas R. Gross, et al.	:	DECISION ON PETITION
Application No. 12/418,729	:	UNDER 37 CFR 1.78(a)(3) AND
Filed: April 6, 2009	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: RKF001-001	:	

This is a decision on the renewed petition, filed October 25, 2011, which is being 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 and 119(e) for the benefit of the prior-filed applications set forth in the amendment September 6, 2011.

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.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. 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 3725 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed applications.

/SDB/

Sherry D. Brinkley  
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: 12/418,729, 04/06/2009, 3725, 527, 39892-08US, 5, 2

CONFIRMATION NO. 9147

CORRECTED FILING RECEIPT



32300
BRIGGS AND MORGAN P.A.
2200 IDS CENTER
80 SOUTH 8TH ST
MINNEAPOLIS, MN 55402

Date Mailed: 10/27/2011

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)

Thomas R. Gross, Weldman, MI;
Earl R. Smith, Mt. Pleasant, MI;

Power of Attorney:

Aleya Champlin--36251
John Klos--37162
Dean Watson--43242
Audrey Babcock--57702

Domestic Priority data as claimed by applicant

This application is a CON of 10/237,007 09/07/2002 PAT 7,513,449
which is a CIP of 10/076,638 02/16/2002 PAT 6,824,089
which claims benefit of 60/269,653 02/16/2001
and claims benefit of 60/286,477 04/25/2001

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: 04/16/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/418,729

Projected Publication Date: Not Applicable

**Non-Publication Request: No**

**Early Publication Request: No**

**\*\* SMALL ENTITY \*\***

**Title**

Wood Collection and Reducing Machine

**Preliminary Class**

241

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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

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

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

**NOT GRANTED**

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Myers Wilson P.C.  
16610 Dallas Parkway  
Suite 2000  
Dallas, TX 75248

**MAILED**  
JAN 04 2012  
OFFICE OF PETITIONS

In re Application of	:	
John R. McAnally	:	
Application No. 12/418,734	:	DECISION ON PETITION
Filed: April 6, 2009	:	TO WITHDRAW FROM
Attorney Docket No. 08-001694	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed November 29, 2011.

The request is **NOT APPROVED**.

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

A review of the file record indicates that John T. Wilson does not have power of attorney in this patent application, but have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

Additionally, petitioner is reminded that the requirements for an S-signature under 37 CFR 1.4 (d)(2) are as follows:

- (i) The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second

single forward slash mark after, the S-signature (e.g., /Dr. James T. Jones, Jr.); and

(ii) A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§ 1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

(iii) The signer's name must be:

(A) Presented in printed or typed form preferably immediately below or adjacent the S-signature, and

(B) Reasonably specific enough so that the identity of the signer can be readily recognized.

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

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

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: John R. McAnally  
2580 W. Camp Wisdom Road  
Suite 100-224  
Grand Prairie, TX 75052

**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: **HIDL001** Application Number (if known): **12/418,755** Filing date: **April 6, 2009**

First Named Inventor: **Moshe Shloush**

Title: **Modular Programmable Lighting Ballast**

**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: Statement of Special Status for Eligibility

Signature /Eric Scheuerlein/

Date **08/16/2010**

Name (Print/Typed) **Eric Scheuerlein**

Registration Number **61234**

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



\*Total of 1 forms are submitted.

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

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

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

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/oqsheet.html>):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must be classified in one of the U.S. classifications listed in section VI of the notice cited above at the time of examination.
- (3) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (4) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice cited above and is classified in one of the U.S. classifications listed in section VI of the notice cited above.
- (5) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which will be available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (6) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (7) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/418,755	04/06/2009	Moshe Shloush	HIDL001	9204

67362 7590 09/07/2010  
THE MUELLER LAW OFFICE, P.C.  
12951 Harwick Lane  
San Diego, CA 92130

EXAMINER
----------

ART UNIT	PAPER NUMBER
2821	

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):

heather@themuellerlawoffice.com  
contact@themuellerlawoffice.com  
docket@themuellerlawoffice.com



THE MUELLER LAW OFFICE, P.C.  
12951 Harwick Lane  
San Diego CA 92130

In re Application of	:	
SHLOUSH et al.	:	DECISION ON PETITION
Application No. 12/418,755	:	TO MAKE SPECIAL UNDER
Filed: 06 April 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. HIDLP001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 16 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

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

Application No:	12418757	Filing date:	04-06-2009
-----------------	----------	--------------	------------

First Named Inventor:	Larry Tippit
-----------------------	--------------

Title of the Invention: Dual Opposed Drive Loop Antenna Pointing Apparatus and Method of Operation

**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/US2010/030017

The international date of the corresponding PCT application(s) is/are: 4/5/2010

**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 EPO AND THE USPTO**

(continued)

Application No.: 12418757

First Named Inventor: Larry Tippit

- 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	direct
2	2	direct
3	3	direct
4	4	direct
5	5	direct
6	6	direct
7	7	direct
8	8	direct
9	9	direct
10	10	direct
11	11	direct
12	12	direct
13	13	direct
14	14	direct
15	15	direct
16	16	direct
17	17	direct
18	18	direct

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

Signature /Andrew Babcock, Reg. #44517/	Date 2010-08-20
Name (Print/Typed) Andrew Babcock	Registration Number 44517

## Privacy Act Statement

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

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

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

## Claims

We claim:

1. A pointing apparatus for an antenna mount, comprising:
  - a base frame and an antenna mount rotatably coupled together;
  - a first wheel rigidly coupled to one of the base frame and the antenna mount;
  - a first drive wheel, driven by a first motor and a second drive wheel driven by a second motor; the first drive wheel and the second drive wheel rigidly coupled to the one of the base frame and the antenna mount not coupled to the first wheel;
  - a flexible first mechanical linkage rotationally interlocking the first wheel, the first drive wheel and the second drive wheel;
  - the first motor and the second motor driven against one another in opposite directions; a torque level unbalance applied between the first motor and the second motor operative to rotate the base frame and the antenna mount with respect to one another in a first desired direction via the first mechanical linkage.
2. The pointing apparatus of claim 1, further including a tension wheel coupled to the one of the base frame and the antenna frame the first drive wheel and the second drive wheel are; the tension wheel in-line with the first mechanical linkage, adjustable to shorten or extend a

mechanical linkage path, to tension the first mechanical linkage to a desired level.

3. The pointing apparatus of claim 1, wherein the tension wheel is between the first motor and the second motor, along the mechanical linkage path.
4. The pointing apparatus of claim 1, wherein ends of the first mechanical linkage are each coupled to a connection point on the rim of the first wheel.
5. The pointing apparatus of claim 1, wherein the first mechanical linkage is a chain.
6. The pointing apparatus of claim 1, further including at least one pulley engaging the first mechanical linkage.
7. The pointing apparatus of claim 1, further including a second wheel rotatably mounted upon the antenna mount;  
an elevation shaft coupled to the second wheel and the reflector antenna coupled to the elevation shaft.  
a third drive wheel coupled to the antenna mount, driven by a third motor;

a fourth drive wheel coupled to the antenna mount, driven by a fourth motor;

a second flexible mechanical linkage loop rotationally interlocking the second wheel, third drive wheel and the fourth drive wheel;

the third motor and the fourth motor driven against each other in opposite directions; a torque level unbalance applied between the third motor and the fourth motor operative to drive the second wheel in a second desired direction via the second mechanical linkage.

8. The antenna mount of claim 7, wherein rotation with respect to the first wheel adjusts an antenna azimuth direction and rotation with respect to the second wheel adjusts an antenna elevation direction.

9. A method for pointing an antenna, comprising the steps of:

applying a torque level differential between a first motor and a second motor driven against one another in opposite directions;

a first wheel rigidly coupled to one of a base frame and an antenna

mount; the first motor driving a first drive wheel, and the second motor

driving a second drive wheel; the first drive wheel and the second drive

wheel rigidly coupled to the one of the base frame and the antenna

mount that the first wheel is not coupled to; the base frame and the

antenna mount rotatably coupled together;

a flexible first mechanical linkage rotationally interlocking the first wheel, the first drive wheel and the second drive wheel;  
the torque level differential rotating the antenna in the direction of the first motor or the second motor depending upon which of the first and the second motors is provided with a higher torque level.

10. The method of claim 9, wherein application of an equal torque level to the first motor and the second motor maintains the antenna at a desired orientation.

11. The method of claim 9, further including motor control circuits which dynamically adjust a stasis torque differential required to maintain a desired antenna orientation.

12. A pointing apparatus for an antenna mount, comprising:  
a first wheel mounted upon a base frame;  
the antenna mount rotatably coupled to the base frame;  
a first drive wheel coupled to the antenna mount, driven by a first motor;  
a second drive wheel coupled to the antenna mount, driven by a second motor;  
a flexible first mechanical linkage rotationally interlocking the first wheel, the first drive wheel and the second drive wheel;

the first motor and the second motor driven against each other in opposite directions; a torque level unbalance applied between the first motor and the second motor operative to rotate the antenna mount in a first desired direction via the first mechanical linkage.

13. The pointing apparatus of claim 12, further including a second wheel

rotatably mounted upon the antenna mount;

an elevation shaft coupled to the second wheel and the reflector antenna coupled to the elevation shaft.

a third drive wheel coupled to the antenna mount, driven by a third motor;

a fourth drive wheel coupled to the antenna mount, driven by a fourth motor; a second flexible mechanical linkage loop rotationally interlocking the second wheel, third drive wheel and the fourth drive wheel;

the third motor and the fourth motor driven against each other in opposite directions; a torque level unbalance applied between the third motor and the fourth motor operative to drive the second wheel in a second desired direction via the second mechanical linkage.

14. The pointing apparatus of claim 13, wherein rotation with respect to the

first wheel adjusts an antenna azimuth direction and rotation with

respect to the second wheel adjusts an antenna elevation direction.

15. The pointing apparatus of claim 12, further including a tension wheel coupled to the one of the base frame and the antenna frame the first drive wheel and the second drive wheel are; the tension wheel in-line with the first mechanical linkage, adjustable to shorten or extend a mechanical linkage path, to tension the first mechanical linkage to a desired level.
16. The pointing apparatus of claim 12, wherein the tension wheel is between the first motor and the second motor, along the mechanical linkage path.
17. The pointing apparatus of claim 12, wherein ends of the first mechanical linkage are each coupled to a connection point on the rim of the first wheel.
18. The pointing apparatus of claim 12, wherein the first mechanical linkage is a chain.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Larry Jack Tippit	PPH Examiner:	Lee W. Young
Serial No.:	12/418,757	Art Unit:	2821
Filed:	04/06/2009		
For:	Dual Opposed Drive Loop Antenna Pointing Apparatus and Method of Operation		
Docket Number:	6101		
Confirmation No.:	9208		

**RESPONSE TO PPH PETITION DISMISSAL**

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

October 21, 2010

Sir:

An Office communication dated October 18, 2010 dismissed Applicant's Request to participate in the PCT Patent Prosecution Highway. The dismissal indicated that the cited deficiencies could be rectified by submitting the requested items.

Specifically, the dismissal indicated that Applicant has not identified and explained why the claims are not subject to the observation in Box VIII on the ISA/237. The observation in Box VIII on the ISA/237 notes that claims 1, 9 and 12 have been drafted as separate independent claims but appear to relate effectively to the same subject-matter for which protection is sought, resulting in a lack of conciseness with respect to Article 6 PCT.

Applicant respectfully submits that multiple independent claims are permissible in US Utility Patent Applications (37 CFR 1.75 (b)). Further, the MPEP indicates at 706.03(k) that US patent law precedent has confirmed a US Patent Applicant's right to restate in plural claiming the invention in a reasonable number of ways, as

long as the claims have varied scope. In the PCT application and its parent US application for which entry into the PPH is requested, each of the independent claims 1, 9 and 12 has a distinctly different scope. Claim 1 is an apparatus claim including limitations of first and second drive wheels coupled to the apparatus in at least one arrangement that is separate from those of apparatus claim 12. Similarly, claim 9 is a method claim, not an apparatus claim. A method claim of steps for pointing an antenna is inherently distinct from an apparatus claim for an antenna mount pointing apparatus. Therefore, each of the referenced claims defines the matter for which protection is sought in a clear and concise manner that is patentably distinct between each.

Although a US Utility Patent Application does not have a conciseness requirement according to Article 6 PCT, similarly applicable regulations that exist before the USPTO are fully satisfied by the present claims, as explained herein above. Therefore, the cited observation does not apply to the claims.

Applicant has explained the basis by which the claims are not subject to the cited observation. Please now reconsider the dismissal of Applicant's PCT-PPH request.

Respectfully submitted,

/Andrew Babcock, Reg. # 44517/

---

Andrew Babcock, Esq.  
Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/418,757	04/06/2009	Larry Jack Tippit	6101	9208

31424 7590 10/18/2010  
BABCOCK IP, PLLC  
P.O. BOX 488  
BRIDGMAN, MI 49106

EXAMINER

OWENS, DOUGLAS W

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
10/18/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BABCOCK IP, PLLC  
P.O. BOX 488  
BRIDGMAN MI 49106**

**In re Application of  
TIPPIT et al.**

**Application No.: 12/418,757**

**Filed: 06 April 2009**

**Attorney Docket No.: 6101**

**For: DUAL OPPOSED DRIVE LOOP  
ANTENNA POINTING APPARATUS  
AND METHOD OF OPERATION**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 20 August 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

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

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

Conditions (1) and (3-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (2).

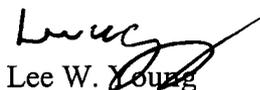
Regarding the requirement of condition (2), applicant has not identified and explained why the claims are not subject to the observation in Box VIII on the ISA/237.

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

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

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

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



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



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.
12/418,757	04/06/2009	Larry Jack Tippit	6101	9208
31424	7590	11/08/2010	EXAMINER	
BABCOCK IP, PLLC P.O.BOX 488 BRIDGMAN, MI 49106			OWENS, DOUGLAS W	
			ART UNIT	PAPER NUMBER
			2821	
			MAIL DATE	DELIVERY MODE
			11/08/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BABCOCK IP, PLLC  
P.O. BOX 488  
BRIDGMAN MI 49106**

**In re Application of  
TIPPIT et al.**

**Application No.: 12/418,757**

**Filed: 06 April 2009**

**Attorney Docket No.: 6101**

**For: DUAL OPPOSED DRIVE LOOP  
ANTENNA POINTING APPARATUS  
AND METHOD OF OPERATION**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 20 August 2010 and renewed on 21 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

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

- (1) The U.S. application must 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;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application containing the claim(s) that have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate;

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

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

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

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

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
ONE RESEARCH CIRCLE  
BLDG. K1-3A59  
NISKAYUNA, NY 12309

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

In re Application of :  
Donald Joseph Buckley, et. al. :  
Application No. 12/418,824 : **DECISION GRANTING PETITION**  
Filed: April 6, 2009 : **UNDER 37 CFR 1.78(a)(3)**  
Attorney Docket No. 226929-1 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 25, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

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

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

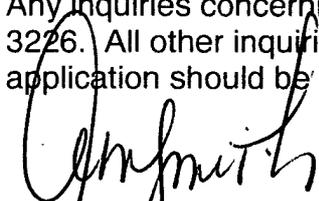
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

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

This application is being forwarded to Technology Center Art Unit 3737 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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Andrea Smith  
Petitions Examiner  
Office of Petitions

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. Values: 12/418,824, 04/06/2009, 3737, 1090, 226929-1, 16, 2

CONFIRMATION NO. 9326

CORRECTED FILING RECEIPT



6147
GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
ONE RESEARCH CIRCLE
BLDG. K1-3A59
NISKAYUNA, NY 12309

Date Mailed: 11/22/2011

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

Applicant(s)

Donald Joseph Buckley, Schenectady, NY;
Douglas Glenn Wildes, Ballston Lake, NY;
Warren Lee, Niskayuna, NY;
Weston Blaine Griffin, Niskayuna, NY;

Assignment For Published Patent Application

General Electric Company, Schenectady, NY

Power of Attorney: The patent practitioners associated with Customer Number 006147

Domestic Priority data as claimed by applicant

This application is a CIP of 11/624,344 01/18/2007

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

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: 04/15/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/418,824

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

MATERIALS AND PROCESSES FOR BONDING ACOUSTICALLY NEUTRAL STRUCTURES FOR USE IN ULTRASOUND CATHETERS

**Preliminary Class**

600

**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).

---

**SelectUSA**

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).



UNITED STATES 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)

**ABBOTT MEDICAL OPTICS, INC.**  
**1700 E. ST. ANDREW PLACE**  
**SANTA ANA CA 92705**

**MAILED**

**JUN 13 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Neal et al. :  
Application No. 12/418,841 :  
Filed: April 6, 2009 :  
Attorney Docket No. WFS.035 :

**ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 29, 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 \$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 Data Management for processing into a patent.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DUANE MORRIS LLP - Houston  
1330 POST OAK BLVD.  
SUITE 800  
HOUSTON TX 77056

**MAILED**

**MAR 22 2012**

**OFFICE OF PETITIONS**

In re Application of :  
Worman et al. :  
Application No. 12/418,934 : **DECISION ON PETITION**  
Filed: April 6, 2009 :  
Attorney Docket No. D5433-704 :

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

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed August 22, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on November 23, 2011. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, drawings and specification (2) the petition fee of \$1860.00, and (3) a statement of unintentional delay.

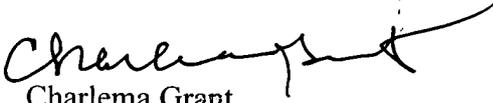
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1270 extension of time fee submitted with the petition on February 24, 2012 was subsequent to the maximum extendable period for reply; this fee is unnecessary and will be credited.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR §10.18(b). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that 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 must be submitted. However, all future correspondence will be mailed solely to the correspondence address of record.

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

This application is being referred to Technology Center AU 2835 for appropriate action by the Examiner in the normal course of business on the reply received



Charlema Grant  
Attorney Advisor  
Office of Petitions

Cc: Gary E. Maze  
370 17<sup>th</sup> Street, Suite 4800  
Denver, Colorado 80202



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. 12/418,935	FILING DATE 04/06/2009	FIRST NAMED INVENTOR Zhanqi DU	ATTORNEY DOCKET NO. 141247	CONFIRMATION NO. 9533
7590 12/07/2010 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER KOONTZ, TAMMY J	
			ART UNIT 3974	PAPER NUMBER
			NOTIFICATION DATE 12/07/2010	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.

Patent Publication Branch  
Office of Data Management

Stamp: JPL/11/12/10 12/07/2010 14:00



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAILED**

**MAY 06 2011**

**OFFICE OF PETITIONS**

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

In re Application of :  
Zhanqi Du et al. :  
Application No. 12/418,935 : **DECISION ON PETITION**  
Filed: April 6, 2009 :  
Attorney Docket No. 141247 :

This is a decision on the petition, filed December 1, 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**.

The application was filed on April 6, 2009. A letter of express abandonment was filed November 30, 2010 and the instant petition to withdraw the express abandonment was filed December 1, 2010. A decision granting the request for express abandonment was mailed December 7, 2010 along with a Notice of Abandonment.

Because the request to withdraw the express abandonment was filed before the petition for express abandonment was treated, the request for express abandonment should not have been granted. Therefore, the abandonment was not proper.

The petition decision and Notice of Abandonment mailed December 7, 2010 are **vacated**. The excess independent claim fee of \$330, excess claim fee of \$754 and search fee of \$270, which were refunded to petitioner have been charged to petitioner's deposit account.

This application is being referred to Technology Center AU 2821 for appropriate action in the normal course of business.

Carl Friedman  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

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

In re Application of  
Ralph Bruce Ferguson

:  
:

Application No. 12418951

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

Filed: April 6, 2009

:

Attorney Docket No. PNW-107US1

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 17-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**

**OCT 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Michael D. BRADY et al. :  
Application No. 12/418,954 :  
Filed: April 06, 2009 :  
Attorney Docket No. SP08-093 :

**DECISION ON PETITION**

This is a decision on the petition under 37 CFR 1.182, filed, September 07, 2011, to change the name of inventor from "Yale Pan" to "Yen Guang Pan" --.

The petition is **DISMISSED**.

Petitioner request to change the last name of one of the inventor's in the above application. Petitioner states that the application was filed with the name recited as Yale Pan which is inventors Pan's nickname.

However, the request cannot be granted because, the petition was not accompanied with a newly signed Oath, signed by all inventors as well as the correct showing of inventor Pan's name.

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 22313-145

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.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with the first name being the most prominent.

Thurman K. Page  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

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

Decision Date : September 23,2011

In re Application of :

Takashi Kariya

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12419007

Filed : 06-Apr-2009

Attorney Docket No : 339406US40DIV

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 23,2011, 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 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	12419007
Filing Date	06-Apr-2009
First Named Inventor	Takashi Kariya
Art Unit	2835
Examiner Name	ISHWARBHAI PATEL
Attorney Docket Number	339406US40DIV
Title	MULTILAYER PRINTED WIRING BOARD

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	/Akihiro Yamazaki/
Name	Akihiro Yamazaki
Registration Number	46155



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BOURQUE & ASSOCIATES  
INTELLECTUAL PROPERTY ATTORNEYS, P.A.  
835 HANOVER STREET  
SUITE 301  
MANCHESTER NH 03104**

**MAILED  
SEP 09 2011  
OFFICE OF PETITIONS**

In re Application of :  
Stephen E. Falconer, et al. :  
Application No. 12/419,067 : **DECISION ON PETITION**  
Filed: April 6, 2009 :  
Attorney Docket No. FALCO-001XX :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed December 13, 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 February 14, 2010. The Notice of Abandonment was mailed September 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 and replacement drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of 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

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

**NICK A NICHOLS, JR.**  
**P O BOX 16399**  
**SUGAR LAND TX 77496-6399**

**MAILED**

**JUN 13 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Stearns et al. :  
Application No. 12/419,203 :  
Filed: April 6, 2009 :  
Attorney Docket No. SMIP/506US-CONT :

**ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 29, 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 a Response to Restriction Requirement, including an election, (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 Technology Center AU 3764 for further examination on the merits.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAILED**

**NOV 28 2011**

**OFFICE OF PETITIONS**

**WELLS ST. JOHN, P.C.**  
**601 W.1<sup>ST</sup> AVENUE, #1300**  
**SPOKANE WA 99201**

In re Application of :  
David Flynn et al :  
Application No. 12/419,223 : DECISION GRANTING PETITION  
Filed: April 6, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 2380.2.22 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 22, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

***Petitioner is advised that the issue fee paid on October 20, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

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

This application is being referred to Technology Center AU 2117 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS and request for corrected filing receipt.

/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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614**

**MAILED**

**JAN 12 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Stephen Christopher Murphy :  
Application No. 12/419,249 :  
Filed: April 6, 2009 :  
Attorney Docket No. SMURPHY.001C2 :

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 11, 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).

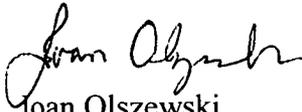
The request was signed by John M. Grover on behalf of all attorneys of record who are associated with Customer Number 20995.

All attorneys/agents associated with the Customer Number 20995 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed August 12, 2010 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: Stephen Christopher Murphy  
70 Springstone Hollow Ln.  
Mertztown, PA 19539



UNITED STATES 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

**MAILED**

**MAR 24 2011**

**OFFICE OF PETITIONS**

In re Application of :  
**HENRY COOPER** :  
Application No. 12/419,266 :  
Filed: April 6, 2009 :  
Attorney Docket No. **4107-PAT** :

**ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 4, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 23, 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. The application became abandoned on June 24, 2009.

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 oath or declaration, and surcharge, (2) the petition fee of \$810 (3) a proper statement of unintentional delay.

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

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

JoAnne Burke  
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

FAY SHARPE/LUCENT  
1228 EUCLID AVENUE, 5<sup>TH</sup> FLOOR  
THE HALLE BUILDING  
CLEVELAND OH 44115-1843

MAILED  
MAR 30 2012  
OFFICE OF PETITIONS

In re Application of :  
Holger Claussen et al :  
Application No. 12/419,391 : DECISION GRANTING PETITION  
Filed: April 7, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. LUTZ 200995US01 :

This is a 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 on March 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 should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed 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.*



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Law Office Of Robert E. Kasody,  
Professional Corporation  
6601 Center Drive West, Suite #500  
Los Angeles, CA 90045

**MAILED**

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :

**Joseph F. SCALISI, et al.** :

Application No. 12/419,451 :

Filed: April 7, 2009 :

Attorney Docket No. **LBTECH.012CP1** :

DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 2, 2010.

The request is **APPROVED**.

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

The request was signed by Robert E. Kasody. Robert E. Kasody has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor 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: **JOSEPH F. SCALISI**  
**38 DISCOVERY, SUITE 150**  
**IRVINE, CA 92618**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DUANE MORRIS LLP  
SUITE 1000  
505 9TH STREET, N.W.  
WASHINGTON DC 20004

**MAILED**  
JUL 14 2011  
**OFFICE OF PETITIONS**

In re Application of  
Sylvain Faure et al.  
Application No. 12/419,454  
Filed: April 7, 2009  
Attorney Docket No. PLA01 011

:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(b)  
:

This is a decision on the petition filed under 37 CFR 1.47(b) on September 17, 2009.

The petition is **GRANTED**,

The above-identified application was filed on April 7, 2009. The application named Sylvain Faure and Atul Mandal as joint inventors but was filed without an executed oath or declaration. A Notice to File Missing Parts was mailed April 22, 2009 an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

In response to the Notice to File Missing Parts, the instant petition under 37 CFR 1.47(b) was filed with a three month extension of time and argues that the inventors refuse to execute the oath or declaration and by their actions to cooperate with the filing of the instant application.

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

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

The petition is accompanied by proof that the application materials have been

presented to the non-signing inventors, and that they have not returned an executed oath or declaration. The petition is also accompanied by the petition fee, the last known address for the non-signing inventors and a declaration executed by Vita Marie Fontana, Chief Financial Officer, on behalf of Plan4Demand Solutions Inc., and in the absence of a signature by the joint inventors, a copy of the employment agreement between inventors Faure and Mandal and Plan4Demand Solutions Inc., to show proprietary interest and a statement that the application is filed to preserve the applicants rights in the application and to prevent irreparable harm.

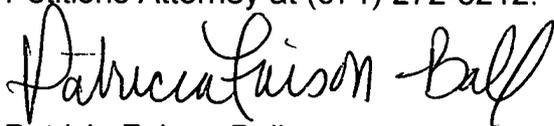
The petition fee late, filing surcharge and the extension of time fee have been applied.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). In view thereof, this application is hereby accorded Rule 1.47(b) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 3624 for examination in due course.

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



FRISHAUF, HOLTZ GOODMAN & CHICK, P.C.  
16TH FLOOR  
220 FIFTH AVENUE  
NEW YORK NY 10001-7708

**MAILED**

JAN 26 2012

**OFFICE OF PETITIONS**

In re Application of  
Akira Nojima :  
Application No. 12/419,456 : **ON PETITION**  
Filed: April 7, 2009 :  
Attorney Docket Number: **09239/LH** :

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup>, filed January 4, 2012, to revive the above identified application.

The petition is **DISMISSED**.

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

A Restriction Requirement mailed on May 19, 2011 set the longer of one month or thirty days as the period for reply. No response to the May 19, 2011 Restriction Requirement having been timely filed, the application became abandoned June 21, 2011. Accordingly, a Notice of Abandonment was mailed December 15, 2011.

---

<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)).

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks item (2) of the regulation. Effective September 26, 2011 the petition fee was set at \$1860 for a large entity and \$930 for a small entity, not \$1620 as was authorized to be charged to the credit card provided. In view thereof, the balance of the petition fee (\$240) is due before a petition on the merits can be addressed and granted. Therefore and since no authorizations for debiting a deposit account for any deficiencies have been granted, the petition fee has not been paid.

The application will therefore remain in an abandoned status until such time as the full petition fee has been paid.

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

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

By FAX:        (703) 872-9306

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



FRISHAUF, HOLTZ GOODMAN & CHICK, P.C.  
16TH FLOOR  
220 FIFTH AVENUE  
NEW YORK NY 10001-7708

**MAILED**

**FEB 22 2012**

**OFFICE OF PETITIONS**

In re Application of  
Akira Nojima  
Application No. 12/419,456  
Filed: April 7, 2009  
Attorney Docket Number: **09239/LH**

ON PETITION

**CORRECTED DECISION<sup>1</sup>**

This is a decision on the petition under 37 CFR 1.137(b)<sup>2</sup>, filed January 4, 2012, to revive the above identified application.

The petition is **GRANTED**.

A Restriction Requirement mailed on May 19, 2011 set the longer of one month or thirty days as the period for reply. No response to the May 19, 2011 Restriction Requirement having been timely filed, the application became abandoned June 21, 2011. Accordingly, a Notice of Abandonment was mailed December 15, 2011.

---

<sup>1</sup>The decision mailed January 26, 2012 has been vacated and is replaced with this decision.

<sup>2</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

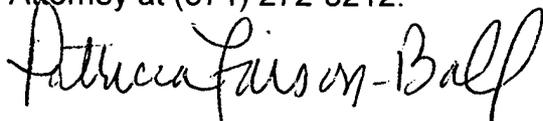
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

A decision mailed January 26, 2012 dismissed the petition filed January 4, 2012 under 37 CFR 1.137(b) because effective September 26, 2011 the petition fee was set at \$1860 for a large entity and \$930 for a small entity, not \$1620 as was authorized to be charged to the credit card provided, as a result, a balance of the petition fee (\$240) was due before a petition on the merits could be addressed and granted. A review of the file did not reveal that any authorizations for debiting a deposit account for any deficiencies had been granted.

A second review of the file reveals however, that page 1 of the response filed January 4, 2012 with the petition to revive included an "authorization to charge any fees for which payment has not been submitted, or to credit any overpayments, to Account No. 06-1378." In view thereof, petitioner's deposit account is being charged for the deficiency in the petition fee.

All other requirements of 37 CFR 1.137(b) having now been met, the response to the Restriction Requirement filed January 4, 2012 will be referred to Technology Center 3729 for further processing.

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



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICHAUD-Kinney Group LLP  
306 INDUSTRIAL PARK ROAD  
SUITE 206  
MIDDLETOWN CT 06457

**MAILED**

**MAR 11 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Tanaka, et al. : DECISION ON PETITION  
Application No. 12/419,524 :  
Filed: April 7, 2009 :  
Docket No.: 1304-0001 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed August 2, 2010.

The Notice of Abandonment mailed July 21, 2010 indicates that the application is abandoned for failure to timely submit a proper reply to the Office communication mailed November 12, 2009.

Petitioner asserts that a reply to the original Notice was filed November 2, 2009, prior to the mailing of the duplicate Notice on November 12, 2009.

Prior to a decision on the merits, the application processing fees, which were previously refunded, must be submitted. Finance Office efforts to reassess the fees via the authorized deposit account were not successful due to insufficient fees in the deposit account.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby DISMISSED.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

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

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

By facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office  
Customer Window, **Mail Stop Petition**

Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

MICHAUD-Kinney Group LLP  
306 INDUSTRIAL PARK ROAD  
SUITE 206  
MIDDLETOWN CT 06457

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

In re Application of  
Tanaka, et al. :  
Application No. 12/419,524 : DECISION ON PETITION  
Filed: April 7, 2009 :  
Docket No.: 1304-0001 :

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 10, 2011.

The Notice of Abandonment mailed July 21, 2010 indicates that the application is abandoned for failure to timely submit a proper reply to the Office communication mailed November 12, 2009.

Petitioner asserts that a reply to the original Notice was filed November 2, 2009, prior to the mailing of the duplicate Notice on November 12, 2009.

A review of the record reveals that the reply, corrected formal drawings, were in the record at the time that the second Notice dated November 12, 2009.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment and the Notice to File Corrected Application Papers dated November 12, 2009 are hereby VACATED. The holding of abandonment is WITHDRAWN.

The application filing fees previously refunded have been reassessed.

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

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

*/ALESIA M. BROWN/*

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED  
JUL 05 2011  
OFFICE OF PETITIONS**

In re Application of :  
Bryan Barr, et al. :  
Application No. 12/419,532 :  
Filed: April 7, 2009 :  
Attorney Docket No. 022031-003410US :

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Kilpatrick Townsend & Stockton LLP has been revoked by the assignee of the patent application on June 2, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **WILSON, SONSINI GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO, CA 94304-1050**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DUANE MORRIS LLP - DC  
505 9TH STREET  
SUITE 1000  
WASHINGTON DC 20004-2166

**MAILED**  
JUL 14 2011  
**OFFICE OF PETITIONS**

In re Application of  
Sylvain Faure et al.  
Application No. 12/419,585  
Filed: April 7, 2009  
Attorney Docket No. PLA01 013

:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(b)  
:

This is a decision on the petition filed under 37 CFR 1.47(b) on September 17, 2009.

The petition is **GRANTED**,

The above-identified application was filed on April 7, 2009. The application named Sylvain Faure and Atul Mandal as joint inventors but was filed without an executed oath or declaration. A Notice to File Missing Parts was mailed April 21, 2009 an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

In response to the Notice to File Missing Parts, the instant petition under 37 CFR 1.47(b) was filed with a three month extension of time and argues that the inventors refuse to execute the oath or declaration and by their actions to cooperate with the filing of the instant application.

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

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

The petition is accompanied by proof that the application materials have been

presented to the non-signing inventors, and that they have not returned an executed oath or declaration. The petition is also accompanied by the petition fee, the last known address for the non-signing inventors and a declaration executed by Vita Marie Fontana, Chief Financial Officer, on behalf of Plan4Demand Solutions Inc., and in the absence of a signature by the joint inventors, a copy of the employment agreement between inventors Faure and Mandal and Plan4Demand Solutions Inc., to show proprietary interest and a statement that the application is filed to preserve the applicants rights in the application and to prevent irreparable harm.

The petition fee late, filing surcharge and the extension of time fee have been applied.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). In view thereof, this application is hereby accorded Rule 1.47(b) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 3624 for examination in due course.

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

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:**20111116

**DATE** : November 16, 2011

**TO SPE OF** : ART UNIT 2819

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7839323

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

Please complete this form and return with file, within **7** days to:

**Certificates of Correction Branch - ST (South Tower) 9A22**

Palm location **7590** - Tel. No. (703) 305-8309

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

**Thank You For Your Assistance**

**Certificates of Correction Branch**

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

Note your decision on the appropriated box.

**Approved**

All changes apply.

**Approved in Part**

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

**Denied**

State the reasons for denial below.

**Comments:**

/SHAWKI ISMAIL/  
Supervisory Patent Examiner.Art Unit 2819

**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:	12/419,640	Filing date:	April 7, 2009
-----------------	------------	--------------	---------------

First Named Inventor:	Michael L. FRIPP
-----------------------	------------------

Title of the Invention:	WELL SCREENS CONSTRUCTED UTILIZING PRE-FORMED ANNULAR ELEMENTS
-------------------------	--

**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/US10/29053

**The international date of the corresponding PCT application(s) is/are:** March 29, 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.

**WHAT IS CLAIMED IS:**

1. A well screen, comprising:  
a filter layer configured to filter fluid flowing  
5 through the well screen; and  
a drainage layer configured to support the filter  
layer, the drainage layer including at least one cavity  
molded therein.
- 10 2. The well screen of claim 1, wherein the drainage  
layer includes multiple individual annular-shaped elements,  
and wherein the cavity is molded in at least one of the  
elements.
- 15 3. The well screen of claim 2, wherein a conduit  
extends through a plurality of the elements.
4. The well screen of claim 2, wherein at least one  
line extends through a plurality of the elements, the line  
20 comprising at least one of an optical waveguide, an  
electrical line and a fluid line.
5. The well screen of claim 2, wherein the elements  
are spaced apart from each other by at least one protrusion  
25 formed on at least one of the elements.
6. The well screen of claim 5, wherein each of the  
protrusions engages a respective recess formed on an

adjacent one of the elements, thereby circumferentially aligning the elements.

7. The well screen of claim 6, wherein the cavity is  
5 formed in the elements, and wherein circumferential alignment of the elements by the protrusions and recesses also aligns the cavities with each other.

8. The well screen of claim 1, wherein the drainage  
10 layer is made of an electrically insulative material.

9. The well screen of claim 1, wherein the drainage layer has a greater minimum flow passage dimension than the filter layer.

15

10. The well screen of claim 1, further comprising at least one of a sensor, a telemetry device and an inflow control device, positioned at least partially in the cavity.

20

11. A well screen, comprising:

a filter layer configured to filter fluid flowing through the well screen; and

a drainage layer which radially supports the filter layer, the drainage layer including multiple individual  
25 annular-shaped elements.

12. The well screen of claim 11, wherein each of the elements includes a cavity formed therein, and wherein the cavities are aligned with each other.

13. The well screen of claim 12, wherein the cavities are aligned by complementary protrusions and recesses formed on the elements.

5

14. The well screen of claim 13, wherein the protrusions space apart the elements, so that flow passages are formed between the elements.

10 15. The well screen of claim 12, further comprising a conduit extending through the aligned cavities.

15 16. The well screen of claim 12, further comprising at least one of an optical waveguide, an electrical line and a fluid line extending through the aligned cavities.

20 17. The well screen of claim 12, wherein the cavities comprise recesses formed on an inner surface of each of the elements, and wherein the recesses provide for longitudinal flow of fluid along an outer surface of a base pipe which extends through the elements.

18. The well screen of claim 11, further comprising a cavity molded in at least one of the elements.

25

19. The well screen of claim 18, further comprising at least one of a sensor, a telemetry device and an inflow control device, positioned at least partially in the cavity.

20. The well screen of claim 11, wherein the elements are made of an electrically insulative material.

21. The well screen of claim 11, wherein first and second inflow control devices are positioned in respective first and second cavities formed in respective first and second ones of the elements, and wherein the first and second inflow control devices receive fluid flow from respective first and second spaced apart sets of the elements.

22. The well screen of claim 11, wherein the elements are made of a material which comprises a thermoset plastic.

23. A well screen, comprising:

a base pipe; and

a first layer made up of multiple individual annular-shaped elements stacked coaxially on the base pipe, a cavity being formed in at least one of the elements.

20

24. The well screen of claim 23, wherein the cavity is formed in each of the elements, whereby the first layer includes multiple cavities, and wherein the cavities are aligned with each other.

25

25. The well screen of claim 24, wherein the cavities are aligned by complementary protrusions and recesses formed on the elements.

26. The well screen of claim 25, wherein the protrusions space apart the elements, so that flow passages are formed between the elements.

5 27. The well screen of claim 24, further comprising a conduit extending through the aligned cavities.

28. The well screen of claim 24, further comprising at least one of an optical waveguide, an electrical line and a  
10 fluid line extending through the aligned cavities.

29. The well screen of claim 24, wherein the cavities comprise recesses formed on an inner surface of each of the elements, and wherein the recesses provide for longitudinal  
15 flow of fluid along an outer surface of the base pipe.

30. The well screen of claim 23, further comprising at least one of a sensor, a telemetry device and an inflow control device, positioned at least partially in the cavity.

20

31. The well screen of claim 23, wherein the elements are made of an electrically insulative material.

32. The well screen of claim 23, wherein the elements  
25 are made of a material which comprises a thermoset plastic.

33. The well screen of claim 23, wherein the cavity is molded into the at least one of the elements.

34. The well screen of claim 23, wherein the cavity is disposed between inner and outer surfaces of the at least one of the elements.

5           35. The well screen of claim 23, wherein the first layer supports a second layer which is configured to filter fluid flowing into the well screen, the first layer being positioned between the second layer and the base pipe.

PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
SMITH MARLIN R.  
  
SMITH IP SERVICES, P.C. P.O. BOX 997 ROCKWALL TX  
75087 USA

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **26 OCTOBER 2010 (26.10.2010)**

Applicant's or agent's file reference  
08-009020U1

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No. <b>PCT/US2010/029053</b>	International filing date (day/month/year) <b>29 MARCH 2010 (29.03.2010)</b>	Priority date (day/month/year) 07 APRIL 2009 (07.04.2009)
---	---	--

International Patent Classification (IPC) or both national classification and IPC  
  
*E21B 43/08(2006.01)I, E21B 43/12(2006.01)I*

Applicant  
**HALLIBURTON ENERGY SERVICES, INC. et al**

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

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

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

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

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

 <p>Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140</p>	Date of completion of this opinion 25 OCTOBER 2010 (25.10.2010)	Authorized officer KIM, Seong Kon  Telephone No.82-42-481-5526
		

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2010/029053

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/US2010/029053**

**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	1-35	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-35	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-35	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 2008-0217002 A1 (SIMONDS FLOYD RANDOLPH et al.) 11 September 2008  
 D2: US 5249626 A (GIBBINS LYNN) 05 October 1993  
 D3: WO 93-055841 A2 (HALLIBURTON ENERGY SERVICES, INC.) 18 July 2002  
 D4: US 4428431 A (LANDRY; DARRELL J. et al.) 31 January 1984

**1. Novelty and Inventive step**

**1.1 Independent Claims 1, 11 and 23**

The subject matter of claim 1 differs from these prior art documents in that the claim is related to a well screen, comprising: a filter layer; and a drainage layer configured to support the filter layer, the drainage layer including at least one cavity molded therein. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination.

The subject matter of claim 11 differs from these prior art documents in that the claim is related to a well screen, comprising: a filter layer; and a drainage layer configured to support the filter layer, the drainage layer including multiple individual annular-shaped elements. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination.

The subject matter of claim 23 differs from these prior art documents in that the claim is related to a well screen, comprising: a base pipe; and a first layer made up of multiple individual annular-shaped elements stacked coaxially on the base pipe, a cavity being formed in at least one of the elements. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination.

Therefore, claims 1, 11 and 23 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**1.2 Dependent claims 2-10, 12-22 and 24-35**

Claims 2-10, 12-22 and 24-35 are dependent on claims 1, 11 and 23, respectively. Consequently, claims 2-10, 12-22 and 24-35 are also considered to be novel and to involve an inventive step under PCT Article 33(2) and (3).

**2. Industrial Applicability**

Claims 1-35 are considered to be industrially applicable under PCT Article 33(4).

5

**WELL SCREENS CONSTRUCTED UTILIZING PRE-FORMED  
ANNULAR ELEMENTS**

**TECHNICAL FIELD**

10           This disclosure relates generally to equipment utilized  
and operations performed in conjunction with a subterranean  
well and, in an example described below, more particularly  
provides for construction of well screens utilizing pre-  
formed annular elements.

15

**BACKGROUND**

          Although most well screens perform a relatively simple  
function (filtering fluid which flows through the side of a  
tubing string), their design and construction is anything  
20 but simple. Very precise tolerances and carefully  
engineered structural capabilities are needed to enable well  
screens to exclude exactly the debris which should be  
excluded, without being overly flow restrictive, and to  
withstand the rigors of operating in a hostile downhole  
25 environment (e.g., conveyance into the well, corrosion,  
erosion during operation, etc.).

          For these reasons (and others, such as, material  
availability, technical expertise, etc.), most well screens  
are manufactured in highly specialized factories which,

unfortunately, are usually located great distances from where the well screens are to be ultimately installed. As a result, significant delay may be experienced in delivery of well screens to installation locations, local warehouses  
5 must be maintained to inventory well screens, custom well screen construction requires substantial advance planning, etc.

Therefore, it will be appreciated that improvements in the art of well screen construction are needed. These  
10 improvements would preferably address the problems mentioned above and/or produce other benefits, such as, reduced costs, improved reliability, flexibility of design and construction, etc.

15

#### **SUMMARY**

In the disclosure below, a well screen is provided which solves at least one problem in the art. One example is described below in which a cavity is pre-formed in a layer of the well screen. Another example is described  
20 below in which a well screen layer is made up of multiple stacked ring-shaped elements.

In one aspect, a well screen is provided which includes a filter layer configured to filter fluid flowing through the well screen. A drainage layer is configured to support  
25 the filter layer. The drainage layer has at least one cavity molded therein.

In another aspect, a well screen is described below which includes a filter layer configured to filter fluid flowing through the well screen and a drainage layer which  
30 radially supports the filter layer. The drainage layer includes multiple individual annular-shaped elements.

In yet another aspect, a well screen includes a base pipe and a layer made up of multiple individual annular-shaped elements stacked coaxially on the base pipe. A cavity is formed in at least one of the elements. The layer  
5 may be a drainage layer or a filter layer. If the layer is a drainage layer, then it may radially support a filter layer.

The well screen could be used in production or injection operations, or in other types of operations (such  
10 as, completion, stimulation, conformance, etc.).

These and other features, advantages and benefits will become apparent to one of ordinary skill in the art upon careful consideration of the detailed description of representative examples below and the accompanying drawings,  
15 in which similar elements are indicated in the various figures using the same reference numbers.

#### **BRIEF DESCRIPTION OF THE DRAWINGS**

FIG. 1 is a partially cross-sectional view of a well  
20 system embodying principles of the present disclosure;

FIG. 2 is an enlarged scale schematic cross-sectional view of a well screen which may be used in the system of FIG. 1, the well screen embodying principles of the present disclosure;

25 FIG. 3 is a schematic cross-sectional view of the well screen, taken along line 3-3 of FIG. 2;

FIG. 4 is an enlarged scale schematic isometric view of an annular-shaped element of the well screen;

FIG. 5 is a further enlarged scale schematic cross-  
30 sectional view of stacked multiple elements;

FIG. 6 is a schematic cross-sectional view of a conduit, lines and sensor extending through cavities in the elements;

FIG. 7 is a somewhat reduced scale schematic cross-sectional view of another configuration of the well screen, including inflow control devices in element cavities;

FIG. 8 is a schematic cross-sectional view of another configuration of the well screen, including telemetry devices in element cavities;

FIGS. 9-11 are somewhat reduced scale schematic partially cross-sectional views of various telemetry techniques for communicating between well screens;

FIG. 12 is a schematic partially cross-sectional view of another configuration of the well screen, including a convenient line installation; and

FIG. 13 is a schematic partially cross-sectional view of another configuration of the well screen, including a convenient connection to a device, such as a sensor or telemetry device.

20

#### DETAILED DESCRIPTION

Representatively illustrated in FIG. 1 is a well system 10 which embodies principles of this disclosure. In the system 10, a tubular string 12 has been positioned in a wellbore 14. The wellbore 14 is lined with casing 16. The tubular string 12 includes a packer 18 and multiple well screens 20 for producing fluid from respective multiple zones 22 intersected by the wellbore.

At this point, it should be clearly understood that the well system 10 is described herein as merely one example of

30

a wide variety of well systems which can incorporate the principles of this disclosure. For example, it is not necessary for the wellbore 14 to be vertical (the wellbore could instead be horizontal or inclined), and it is not  
5 necessary for the wellbore to be cased (e.g., the wellbore could be open hole or uncased adjacent the well screens 20 and/or packer 18). Any number of well screens 20 could be used for production from, or injection into, any number of zones 22. Thus, it should be appreciated that the  
10 principles of this disclosure are not limited in any manner to the details of the system 10 described herein.

One unique feature of the system 10 is that it includes the well screens 20 which are themselves uniquely configured to, for example, reduce costs of manufacturing, enable  
15 manufacture at diverse locations, ease assembly, provide for ready customization, and/or to allow for enhanced capabilities (such as incorporated sensing, telemetry, inflow control, etc.) in a convenient manner. Other capabilities and features can be included in the well  
20 screens 20 in keeping with the principles of this disclosure.

Referring additionally now to FIGS. 2 & 3, cross-sectional views of the well screen 20 are representatively illustrated. In these views it may be seen that the well  
25 screen 20 includes a generally tubular perforated base pipe 24 on which a drainage layer 26 and a filter layer 28 are radially outwardly disposed. The base pipe 24 is preferably provided with suitable end connections (such as threaded ends, not shown) for interconnection of the well screen 20  
30 in the tubular string 12 in the system 10. Of course, the well screen 20 can be used in other well systems, without departing from the principles of this disclosure.

The filter layer 28 is configured to filter fluid flowing into the well screen 20. The drainage layer 26 is configured to radially outwardly support the filter layer 28, so that fluid can readily flow through the filter layer and into the base pipe 24.

Of course, the drainage and filter layers 26, 28 can perform other functions in keeping with the principles of this disclosure. The drainage and filter layers 26, 28 could also be otherwise positioned, for example, with the drainage layer inwardly supporting the filter layer, if desired.

The filter layer 28 may be made of any type of material. For example, wire wraps, sintered metal, wire mesh, etc., are suitable for use in the filter layer 28. Materials such as metals, plastics and composites may be used, as well.

The drainage layer 26 may also be made of any type of material. Preferably, the drainage layer 26 is made up of stacked annular-shaped elements 30. These elements 30 are preferably made of molded plastic (such as injection molded phenolic or other thermoset plastic, polyetheretherketone, polyetherimide, polyphenylene sulfide, etc.).

However, other materials (such as cast metal, etc.) may be used if desired. Other manufacturing methods (such as stamping, etc.) could also be used if desired.

Furthermore, fillers or fibers could be added to a plastic matrix to form a composite structure for the elements 30. As another alternative, a layered material (for example, a base of a relatively inexpensive tough material, such as plastic, with a coating or outer layer of erosion-resistant and/or corrosion-resistant material, such as metal) may be used for the elements 30, if desired.

Since the drainage layer 26 is not normally intended for filtering the fluid flowing radially through the well screen 20, passages 32 formed axially between the elements 30 are preferably larger than passages 34 for flow through the filter layer 28, that is, the passages 32 have a greater minimum dimension than the passages 34. However, the passages 32 in the drainage layer 26 could have substantially the same minimum dimension as the passages 34 in keeping with the principles of this disclosure.

Although only the two layers 26, 28 are depicted in FIGS. 2 & 3, it should be understood that any number of layers could be provided, as desired. For example, another filter layer or an outer shroud could be positioned external to the filter layer 28, another drainage layer could be positioned internal to the drainage layer 26, etc. Thus, it should be clearly understood that the principles of this disclosure are not limited at all to the details of the well screen 20 as depicted in FIGS. 2 & 3.

The elements 30 of the drainage layer 26 are axially stacked on the exterior of the base pipe 24, but the passages 32 are formed axially between the elements due to protrusions 36 extending outwardly from each element. A biasing device 38 (such as a compression or wave spring) maintains axial compression on the stack of elements 30, so that the axial spacing of the elements remains consistent.

End rings 40 may be used to secure the layers 26, 28 on the base pipe 24, and to retain the biasing device 38. Alternatively, the ends of the layers 26, 28 could be crimped onto the base pipe 24, for example, as described in U.S. application serial no. 12/166966 filed on July 2, 2008, the entire disclosure of which is incorporated herein by this reference.

As depicted in FIG. 3, the elements 30 may be provided with circumferential gaps 42. This allows the elements 30 to be somewhat resilient or adjustable in circumference to accommodate variations in diameter of the base pipe 24.

5 Thus, it will be readily appreciated that the features of the well screen 20 described above allow the well screen to be readily assembled and customized as needed at various locations by persons requiring relatively little training. For example, various lengths of well screen 20 may be  
10 assembled conveniently by merely varying the number of elements 30 stacked onto an appropriate length of base pipe 24, with an appropriate length of filter layer 28 installed thereon. Locally-sourced base pipe 24 can be used, with variations in outer diameter being accommodated by the  
15 elements 30. As such, the well screen 20 does not require a highly specialized manufacturing facility, but can instead be assembled at any of many locations in virtually any part of the world.

Referring additionally now to FIG. 4, another  
20 configuration of the element 30 is representatively illustrated. Although not depicted as so in FIG. 4, the element 30 could have the circumferential gap 42 therein, if desired.

However, preferably the gap 42 is not used. For  
25 example, other means may be used to accommodate varying outer diameters of the base pipe 24, other means may be used to provide for varying the circumferential length of the element 30, etc.

In FIG. 4 it may be seen that the element 30 includes  
30 inner and outer surfaces 44, 46. The inner surface 44 is scalloped, with recesses 48 formed thereon to permit fluid flow longitudinally along an outer surface 50 of the base

pipe 24 (see FIGS. 2 & 3), i.e., between the drainage layer 26 and the base pipe. The outer surface 46 could also be provided with scallops, undulations, recesses, etc., if desired, to provide for enhanced longitudinal fluid flow  
5 between the drainage and filter layers 26, 28.

In FIG. 4 it may also be seen that recesses 52 are formed in a side surface 54 of the element 30. These recesses 52 provide for accurate alignment and spacing of the elements 30 on the base pipe 24, as described more fully  
10 below.

Referring additionally now to FIG. 5, two of the elements 30 are representatively illustrated in a cross-sectional view, apart from the remainder of the well screen 20. In this view it may be seen that the protrusions 36  
15 cooperatively engage the recesses 52 between the adjacent pair of the elements 30.

Several benefits are derived by this engagement between the protrusions 36 and the recesses 52. One benefit is that the elements 30 are accurately spaced, with the passage 32  
20 for fluid flow between the elements being determined by the difference between the length of the protrusions 36 and the depth of the recesses 52. Thus, by merely providing varied length protrusions 36 and/or varied depth recesses 52, the minimum dimension of the passages 32 can be conveniently  
25 varied, as desired.

Another benefit is that the engagement between the protrusions 36 and recesses 52 provides circumferential alignment of the adjacent elements 30. This alignment can be used to enable installation and accommodation of  
30 conduits, lines, sensors, etc. in the elements 30, as described more fully below.

Other methods of engagement are also possible, such as, snaps, clips, etc. Thus, the protrusion 36/recess 52 engagement could also provide a locking engagement, as well as spacing apart and circumferentially aligning the elements 5 30.

Note that the recesses 52 are not necessary to space the elements 30 apart and form the passages 32. Instead, only the protrusions 36 could be used for this purpose. Furthermore, the protrusions 36 could be other structural 10 features used to space apart the elements 30, such as, separate spacers, undulations in the elements, features on the base pipe 24 or filter layer 28, etc.

Referring additionally now to FIG. 6, another configuration of the well screen 20 is representatively 15 illustrated. In this configuration, the protrusions 36 and recesses 52 are positioned on the elements 30 closer to the inner surfaces 44, and each element is provided with a cavity 56 formed therein.

The cavities 56 are aligned with each other due to the 20 engagement between the protrusions 36 and recesses 52 in this example. However, in other examples, a conduit 58 or other member extending through the cavities 56 could be used to align the cavities with each other, whether or not the protrusions 36 and/or recesses 52 are used.

25 The conduit 58 can serve as a fluid line, for example to hydraulically or pneumatically operate various well tools, sense downhole parameters, or for any other purpose. The conduit 58 can serve as a shunt tube for flowing a slurry across the well screen 20 during a gravel packing 30 operation. The conduit 58 can serve any other purpose, as well, in keeping with the principles of this disclosure.

As depicted in FIG. 6, the conduit 58 serves to contain and protect various lines 60 extending through the conduit. The lines 60 could include, for example, fluid lines, electrical lines, optical waveguides (such as fiber optic lines), etc., for providing power, communication, data, command, control or property sensing functions (e.g., an optical fiber can serve as a temperature and/or pressure sensor, transmit optical power, provide a communication link, etc.).

In addition, a sensor 62 is illustrated in FIG. 6 as being positioned within the conduit 58 in the cavities 56. The sensor 62 could be any type of sensor, such as a temperature, pressure, telemetry, electromagnetic, acoustic, density, water cut, flow rate, radioactivity, etc., sensor. As discussed above, any of the lines 60 could also serve as a sensor.

It will be appreciated that, if the cavities 56 are pre-formed in the elements 30, installation of the conduit 58, lines 60, sensor 62 and/or other components is made much more convenient. Preferably, the elements 30 are preferably molded with the cavities 56 therein, so that assembly of the well screen 20 is expedited and the overall cost of the well screen is reduced. Note that the cavities 56 may be used to accommodate components other than the conduit 58, lines 60 and sensor 62, as described more fully below.

Referring additionally now to FIG. 7, another configuration of the well screen 20 is representatively illustrated. In this configuration, the cavities 56 in certain ones of the elements 30 are used to contain inflow control devices 64, 66. However, only certain ones of the elements 30 are provided with the cavities 56 and inflow control devices 64, 66.

As depicted in FIG. 7, the inflow control device 64 is of the type used to reduce production of undesired fluid (such as water or gas). The inflow control device 66 is of the type used to variably restrict flow of fluid into the well screen 20.

The inflow control devices 64, 66 may be used to control relative production from the zones 22 in the well system 10, for example, to reduce or eliminate water or gas coning. Suitable inflow control devices are described in U.S. patent nos. 7469743 and 7185706, and in U.S. application serial nos. 11/407848 filed April 20, 2006 and 11/671319 filed February 5, 2007. The entire disclosures of these prior patents and applications are incorporated herein by this reference. Other types of inflow control devices may be used, if desired.

Note that the elements 30 containing the inflow control devices 64, 66 are included in respective separate sets 68 of the elements spaced along the base pipe 24. In this manner, each of the elements 30 having the inflow control devices 64, 66 therein can separately regulate flow of fluid through the respective set 68, enabling much finer resolution of flow regulation along the tubular string 12 than previously possible.

For example, instead of flow through an entire 10 meter length well screen being regulated via a single inflow control device as in the past, the well screen 20 of FIG. 7 can provide for independent flow regulation every half meter increment along its length. Of course, other spacings of the inflow control devices 64, 66 can be used, if desired (including only one inflow control device per well screen 20).

Referring additionally now to FIG. 8, another configuration of the well screen 20 is representatively illustrated. In this configuration, certain ones of the elements 30 are provided with cavities 56 which contain  
5 telemetry devices 70, such as an acoustic, electromagnetic, pressure pulse, inductive coupling, or other type of telemetry transmitter, receiver or transceiver. Sensors 62 may also be contained in the cavities 56, along with power sources 72, such as batteries or generators, etc.

10 The conduit 58 and/or lines 60 may be used to interconnect the telemetry devices 70, sensors 62 and/or power sources 72 along the well screen 20. The telemetry devices 70 may be positioned near ends of the well screen 20 to provide for communication between adjacent or spaced  
15 apart well screens, as described more fully below.

Referring additionally now to FIGS. 9-11, various forms of telemetry between well screens 20 are representatively illustrated. In FIG. 9, the telemetry devices 70 comprise wire coils which are used to propagate magnetic flux lines  
20 74 from one well screen 20 to another, to thereby transmit information such as data, commands, etc. Each device 70 can serve as a transmitter and/or receiver.

In FIG. 10, the telemetry devices 70 comprise inductive couplings with an electrical conductor 76 extending between  
25 the couplings. In this manner, the well screens 20 can be conveniently installed and connected to each other for communication between the well screens.

In FIG. 11, the telemetry devices 70 comprise acoustic signal transmitters and receivers. The tubular string 12  
30 serves as a transmission medium for acoustic waves 78 propagated from one well screen 20 to another.

Note that, in FIGS. 9-11, the telemetry devices 70 are not depicted as being contained in the cavities 56 in the elements 30, but the telemetry devices could be positioned in the cavities if desired, as depicted in FIG. 8.

5 Referring additionally now to FIG. 12, another configuration of the well screen 20 is representatively illustrated. In this configuration, the cavities 56 provide for convenient installation of the lines 60 in the elements 30, in that the cavities are J-shaped. The cavities 56  
10 could be otherwise-shaped, such as keyhole or T-shaped, etc., if desired.

The direction of the J-shape can be alternated along the length of the well screen 20, so that the lines 60 are retained in the cavities 56 without need for any additional  
15 retainer or closure. However, a separate retainer or closure could be used, if desired. In addition, the lines 60 could be contained in the conduit 58 in the cavities 56, if desired.

The configuration of FIG. 12 permits the lines 60 to be  
20 installed in the elements 30 from the exterior thereof, even while the well screen 20 is being conveyed into the well. Alternatively, the lines 60 could be installed in the cavities 56 during assembly of the well screen 20.

Note that the layer 26 is depicted in FIG. 12 without  
25 the filter layer 28 on an exterior thereof. This demonstrates that the layer 26 can serve as a filter layer, if desired. For example, the passages 32 between elements 30 could be used to filter fluid flowing into the well screen 20.

30 However, the separate filter layer 28 can be used on the configuration of FIG. 12 in keeping with the principles of this disclosure. For example, the filter layer 28 could

be installed on the layer 26 after the line 60 and/or conduit 58 is installed in the cavities 56.

Referring additionally now to FIG. 13, another configuration of the well screen 20 is representatively  
5 illustrated. In this configuration, the conduit 58 is used to electrically connect with the sensor 62 and/or telemetry device 70 in a cavity 56 of an element 30.

As depicted in FIG. 13, an electrical spring contact 80 is connected to the sensor 62 and/or telemetry device 70 in  
10 the element 30. When the conduit 58 is installed into the element 30, the conduit engages the contact 80, thereby making an electrical connection with the sensor 62 and/or telemetry device 70. It is beneficial, in this configuration, for the element 30 to be made of an  
15 electrically insulative material (such as plastic, etc.).

In each of the embodiments described above, the elements 30 could be made in any length. For example, a relatively long element 30 could have multiple passages 32  
20 formed therein, and multiple such long elements could be connected together, so that the passages 32 are not necessarily formed only by spacing apart the elements.

It may now be fully appreciated that the above disclosure provides many improvements to the art of well screen construction. Preferably, the described well screen  
25 includes pre-formed (e.g., molded, extruded, cast, etc.) elements 30 which enable convenient, versatile and cost effective construction of the well screen, without requiring highly specialized assembly facilities and highly trained assembly personnel.

30 The above disclosure describes a well screen 20 which includes a filter layer 28 configured to filter fluid flowing through the well screen 20, and a drainage layer 26

configured to support the filter layer 28. The drainage layer 26 includes at least one cavity 56 molded therein.

The drainage layer 26 may include multiple individual annular-shaped elements 30. The cavity 56 may be molded in  
5 at least one of the elements 30.

A conduit 58 may extend through a plurality of the elements 30.

At least one line 60 may extend through a plurality of the elements 30. The line 60 may comprise at least one of  
10 an optical waveguide, an electrical line and a fluid line.

The elements 30 may be spaced apart from each other by at least one protrusion 36 formed on one or more of the elements 30. Each of the protrusions 36 may engage a respective recess 52 formed on an adjacent one of the  
15 elements 30, thereby circumferentially aligning the elements 30. The cavity 56 may be formed in the elements 30, such that circumferential alignment of the elements 30 by the protrusions 36 and recesses 52 also aligns the cavities 56 with each other.

20 The drainage layer 26 may be made of an electrically insulative material. The drainage layer 26 may have a greater minimum flow passage 32 dimension than the filter layer 28 (passages 34).

The well screen 20 may also include at least one of a  
25 sensor 62, a telemetry device 70 and an inflow control device 64, 66, positioned at least partially in the cavity 56.

Also provided by the above disclosure is a well screen  
20 which combines a filter layer 28 configured to filter  
30 fluid flowing through the well screen 20 and a drainage layer 26 which radially supports the filter layer 28. The

drainage layer 26 includes multiple individual annular-shaped elements 30.

Each of the elements 30 may include a cavity 56 formed therein, and the cavities 56 may be aligned with each other. 5 The cavities 56 may be aligned by complementary protrusions 36 and recesses 52 formed on the elements 30. The protrusions 36 may space apart the elements 30, so that flow passages 32 are formed between the elements 30.

The well screen 20 may also include a conduit 58 10 extending through the aligned cavities 56. The well screen 20 may include at least one of an optical waveguide, an electrical line and a fluid line 60 extending through the aligned cavities 56.

The cavities 56 can comprise recesses 48 formed on an 15 inner surface 44 of each of the elements 30. The recesses 48 may provide for longitudinal flow of fluid along an outer surface 50 of a base pipe 24 which extends through the elements 30.

The well screen 20 may include a cavity 56 molded in at 20 least one of the elements 30. At least one of a sensor 62, a telemetry device 70 and an inflow control device 64, 66 may be positioned at least partially in the cavity 56.

The elements 30 may be made of an electrically insulative material.

25 Inflow control devices 64, 66 may be positioned in respective cavities 56 formed in respective ones of the elements 30. The inflow control devices 64, 66 may receive fluid flow from respective spaced apart sets 68 of the elements 30.

30 The elements 30 may be made of a material which comprises a thermoset plastic.

Also described above is a well screen 20 which combines a base pipe 24 and a layer 26 made up of multiple individual annular-shaped elements 30 stacked coaxially on the base pipe 24. A cavity 56 is formed in at least one of the  
5 elements 30.

The cavity 56 may be formed in the elements 30, whereby the layer 26 includes multiple cavities 56. The cavities 56 may be aligned with each other.

The cavities 56 may be aligned by complementary  
10 protrusions 36 and recesses 52 formed on the elements 30. The protrusions 36 may space apart the elements 30, so that flow passages 32 are formed between the elements 30.

A conduit 58 may extend through the aligned cavities 56. At least one of an optical waveguide, an electrical  
15 line and a fluid line 60 may extend through the aligned cavities 56.

The cavities 56 may comprise recesses 48 formed on an inner surface 44 of each of the elements 30, and the recesses 48 may provide for longitudinal flow of fluid along  
20 an outer surface 50 of the base pipe 24.

The well screen 20 may include at least one of a sensor 62, a telemetry device 70 and an inflow control device 64, 66, positioned at least partially in the cavity 56.

The cavity 56 may be disposed between inner and outer  
25 surfaces 44, 46 of at least one of the elements 30.

The first layer 26 may support a second layer 28 which is configured to filter fluid flowing into the well screen 20, with the first layer 26 being positioned between the second layer 28 and the base pipe 24.

30 It is to be understood that the various examples described above may be utilized in various orientations,

such as inclined, inverted, horizontal, vertical, etc., and in various configurations, without departing from the principles of the present disclosure. The embodiments illustrated in the drawings are depicted and described  
5 merely as examples of useful applications of the principles of the disclosure, which are not limited to any specific details of these embodiments.

In the above description of the representative examples of the disclosure, directional terms, such as "above,"  
10 "below," "upper," "lower," etc., are used for convenience in referring to the accompanying drawings. In general, "above," "upper," "upward" and similar terms refer to a direction toward the earth's surface along a wellbore, and "below," "lower," "downward" and similar terms refer to a  
15 direction away from the earth's surface along the wellbore.

Of course, a person skilled in the art would, upon a careful consideration of the above description of representative embodiments, readily appreciate that many modifications, additions, substitutions, deletions, and  
20 other changes may be made to these specific embodiments, and such changes are within the scope of the principles of the present disclosure. Accordingly, the foregoing detailed description is to be clearly understood as being given by way of illustration and example only, the spirit and scope  
25 of the present invention being limited solely by the appended claims and their equivalents.

**WHAT IS CLAIMED IS:**

1. A well screen, comprising:  
a filter layer configured to filter fluid flowing  
5 through the well screen; and  
a drainage layer configured to support the filter  
layer, the drainage layer including at least one cavity  
molded therein.
- 10 2. The well screen of claim 1, wherein the drainage  
layer includes multiple individual annular-shaped elements,  
and wherein the cavity is molded in at least one of the  
elements.
- 15 3. The well screen of claim 2, wherein a conduit  
extends through a plurality of the elements.
4. The well screen of claim 2, wherein at least one  
line extends through a plurality of the elements, the line  
20 comprising at least one of an optical waveguide, an  
electrical line and a fluid line.
5. The well screen of claim 2, wherein the elements  
are spaced apart from each other by at least one protrusion  
25 formed on at least one of the elements.
6. The well screen of claim 5, wherein each of the  
protrusions engages a respective recess formed on an

adjacent one of the elements, thereby circumferentially aligning the elements.

7. The well screen of claim 6, wherein the cavity is  
5 formed in the elements, and wherein circumferential alignment of the elements by the protrusions and recesses also aligns the cavities with each other.

8. The well screen of claim 1, wherein the drainage  
10 layer is made of an electrically insulative material.

9. The well screen of claim 1, wherein the drainage layer has a greater minimum flow passage dimension than the filter layer.

15

10. The well screen of claim 1, further comprising at least one of a sensor, a telemetry device and an inflow control device, positioned at least partially in the cavity.

20

11. A well screen, comprising:

a filter layer configured to filter fluid flowing through the well screen; and

a drainage layer which radially supports the filter layer, the drainage layer including multiple individual  
25 annular-shaped elements.

12. The well screen of claim 11, wherein each of the elements includes a cavity formed therein, and wherein the cavities are aligned with each other.

13. The well screen of claim 12, wherein the cavities are aligned by complementary protrusions and recesses formed on the elements.

5

14. The well screen of claim 13, wherein the protrusions space apart the elements, so that flow passages are formed between the elements.

10 15. The well screen of claim 12, further comprising a conduit extending through the aligned cavities.

15 16. The well screen of claim 12, further comprising at least one of an optical waveguide, an electrical line and a fluid line extending through the aligned cavities.

20 17. The well screen of claim 12, wherein the cavities comprise recesses formed on an inner surface of each of the elements, and wherein the recesses provide for longitudinal flow of fluid along an outer surface of a base pipe which extends through the elements.

18. The well screen of claim 11, further comprising a cavity molded in at least one of the elements.

25

19. The well screen of claim 18, further comprising at least one of a sensor, a telemetry device and an inflow control device, positioned at least partially in the cavity.

20. The well screen of claim 11, wherein the elements are made of an electrically insulative material.

21. The well screen of claim 11, wherein first and second inflow control devices are positioned in respective first and second cavities formed in respective first and second ones of the elements, and wherein the first and second inflow control devices receive fluid flow from respective first and second spaced apart sets of the elements.

22. The well screen of claim 11, wherein the elements are made of a material which comprises a thermoset plastic.

23. A well screen, comprising:

a base pipe; and

a first layer made up of multiple individual annular-shaped elements stacked coaxially on the base pipe, a cavity being formed in at least one of the elements.

20

24. The well screen of claim 23, wherein the cavity is formed in each of the elements, whereby the first layer includes multiple cavities, and wherein the cavities are aligned with each other.

25

25. The well screen of claim 24, wherein the cavities are aligned by complementary protrusions and recesses formed on the elements.

26. The well screen of claim 25, wherein the protrusions space apart the elements, so that flow passages are formed between the elements.

5 27. The well screen of claim 24, further comprising a conduit extending through the aligned cavities.

28. The well screen of claim 24, further comprising at least one of an optical waveguide, an electrical line and a  
10 fluid line extending through the aligned cavities.

29. The well screen of claim 24, wherein the cavities comprise recesses formed on an inner surface of each of the elements, and wherein the recesses provide for longitudinal  
15 flow of fluid along an outer surface of the base pipe.

30. The well screen of claim 23, further comprising at least one of a sensor, a telemetry device and an inflow control device, positioned at least partially in the cavity.

20

31. The well screen of claim 23, wherein the elements are made of an electrically insulative material.

32. The well screen of claim 23, wherein the elements  
25 are made of a material which comprises a thermoset plastic.

33. The well screen of claim 23, wherein the cavity is molded into the at least one of the elements.

34. The well screen of claim 23, wherein the cavity is disposed between inner and outer surfaces of the at least one of the elements.

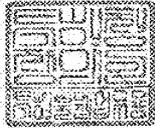
5           35. The well screen of claim 23, wherein the first layer supports a second layer which is configured to filter fluid flowing into the well screen, the first layer being positioned between the second layer and the base pipe.

**ABSTRACT**

Construction of well screens utilizing pre-formed annular-shaped elements. A well screen includes a filter  
5 layer configured to filter fluid flowing through the well screen and a drainage layer which radially supports the filter layer, the drainage layer including multiple individual annular-shaped elements. Another well screen includes a drainage layer configured to support the filter  
10 layer, with the drainage layer including at least one cavity molded therein. Another well screen includes a base pipe and a layer made up of multiple individual annular-shaped elements stacked coaxially on the base pipe. A cavity is formed in at least one of the elements.

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: SMITH MARLIN R.  SMITH IP SERVICES, P.C. P.O. BOX 997 ROCKWALL, TX 75087 USA.		<h1>PCT</h1> <p><b>NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION</b></p> <p>(PCT Rule 44.1)</p>
Applicant's or agent's file reference 08-009020U1		Date of mailing (day/month/year) 26 OCTOBER 2010 (26.10.2010)
International application No. <b>PCT/US2010/029053</b>		International filing date (day/month/year) <b>29 MARCH 2010 (29.03.2010)</b>
Applicant <b>HALLIBURTON ENERGY SERVICES, INC. et al</b>		
<p>1. <input checked="" type="checkbox"/> The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.</p> <p><b>Filing of amendments and statement under Article 19:</b>          The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):</p> <p><b>When?</b> The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.</p> <p><b>Where?</b> Directly to the International Bureau of WIPO, 34 chemin des Colombettes          1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70</p> <p>For more detailed instructions, see <i>PCT Applicant's Guide</i>, International Phase, paragraphs 9.004 - 9.011.</p> <p>2. <input type="checkbox"/> The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.</p> <p>3. <input type="checkbox"/> With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:</p> <p><input type="checkbox"/> the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.</p> <p><input type="checkbox"/> no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.</p> <p>4. <b>Reminders</b></p> <p>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.</p> <p>Shortly after the expiration of <b>18 months</b> 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).</p> <p>Within <b>19 months</b> 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 <b>until 30 months</b> from the priority date (in some Offices even later); otherwise, the applicant must, <b>within 20 months</b> 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 <b>30 months</b> (or later) will apply even if no demand is filed within 19 months.</p> <p>For details about the applicable time limits, Office by Office, see <a href="http://www.wipo.int/pct/en/texts/time_limits.html">www.wipo.int/pct/en/texts/time_limits.html</a> and the <i>PCT Applicant's Guide</i>, National Chapters.</p>		
Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea  Facsimile No. 82-42-472-7140		Authorized officer  COMMISSIONER  Telephone No. 82-42-481-8753 

\* 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 : **OB84Q3XP**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference: 08-009020U1	<b>FOR FURTHER ACTION</b>		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. <b>PCT/US2010/029053</b>	International filing date ( <i>day/month/year</i> ) <b>29 MARCH 2010 (29.03.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 07 APRIL 2009 (07.04.2009)	
Applicant <b>HALLIBURTON ENERGY SERVICES, INC. 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. 2  
 as suggested by the applicant.  
 as selected by this Authority, because the applicant failed to suggest a figure.  
 as selected by this Authority, because this figure better characterizes the invention.
- b.  none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/029053****A. CLASSIFICATION OF SUBJECT MATTER***E21B 43/08(2006.01)i, E21B 43/12(2006.01)i*

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

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

E21B 43/08; E21B 43/114; E21B 43/00; E21B 17/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models  
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: well screen, filter layer, drainage layer, cavity, annular-shaped elements and similar terms

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2008-0217002 A1 (SIMONDS FLOYD RANDOLPH et al.) 11 September 2008 See the abstract; claims 1-25 and figures 2-4.	1-35
A	US 5249626 A (GIBBINS LYNN) 05 October 1993 See the abstract; column 5, line 8 - column 7, line 5 and figures 1-2B.	1-35
A	WO 02-055841 A2 (HALLIBURTON ENERGY SERVICES, INC.) 18 July 2002 See page 5, line 25 - page 7, line 21 and figures 1-3.	1-35
A	US 4428431 A (LANDRY; DARRELL J. et al.) 31 January 1984 See the abstract and figure 5.	1-35

 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

25 OCTOBER 2010 (25.10.2010)

Date of mailing of the international search report

**26 OCTOBER 2010 (26.10.2010)**

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, Seong Kon

Telephone No. 82-42-481-5526



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/029053**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2008-0217002 A1	11.09.2008	None	
US 5249626 A	05.10.1993	None	
WO 02-055841 A2	18.07.2002	AU 2002-248298 A1 AU 2002-248298 A8 US 2002-0088744 A1 US 2003-0000875 A1 WO 02-055841 A3 WO 02-055841 B1	24.07.2002 24.07.2002 11.07.2002 02.01.2003 24.04.2003 25.09.2003
US 4428431 A	31.01.1984	None	



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.
12/419,640	04/07/2009	Michael L. Fripp	2008-IP-009020 U1 US	1995
49431	7590	12/23/2010	EXAMINER	
SMITH IP SERVICES, P.C. P.O. Box 997 Rockwall, TX 75087			GAY, JENNIFER HAWKINS	
			ART UNIT	PAPER NUMBER
			3676	
			NOTIFICATION DATE	DELIVERY MODE
			12/23/2010	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):

sally@smithipservices.com  
mail@smithipservices.com  
scrawford@smithipservices.com



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 22 2010

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

SMITH IP SERVICES, P.C.  
P.O. Box 997  
Rockwall TX 75087

In re application of  
Fripp et al.  
Application No. 12/419,640  
Filed: April 7, 2009  
For: WELL SCREEN CONSTRUCTED  
UTILIZING PRE-FORMED  
ANNULAR ELEMENT

: **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 18, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must 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 18, 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: 12/20/10



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**LERNER GREENBERG STEMER LLP  
P.O. BOX 2480  
HOLLYWOOD FL 33022-2480**

**MAILED**

**FEB 14 2011**

**OFFICE OF PETITIONS**

In re application of :  
Wieland Hill et al :  
Application No. 12/419,646 :  
Filed: April 7, 2009 :  
Attorney Docket No. FRI-PT 09/066 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on October 20, 2010.

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

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

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

This application is being referred to Technology Center AU 2855 for examination by the Examiner in the normal course of business.

Inquiries related to this communication 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

SYNECOR LLC  
P.O. BOX 5325  
LARKSPUR CA 94977

**MAILED**

APR 16 2012

**OFFICE OF PETITIONS**

In re Application of  
Michael S. Williams et al.  
Application No. 12/419,717  
Filed: April 7, 2009  
Attorney Docket No. NPLS-310

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)<sup>1</sup>, filed March 20 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned November 25, 2011 for failure to timely reply to the Final Office Action mailed August 23, 2011 which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained prior to the abandonment of the application. Accordingly, a Notice of Abandonment was mailed March 19, 2012.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 3762 for processing of the RCE.

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

*Patricia Faison-Ball*  
Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

<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).



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**EI DU PONT DE NEMOURS AND COMPANY  
LEGAL PATENT RECORDS CENTER  
BARLEY MILL PLAZA 25/1122B  
4417 LANCASTER PIKE  
WILMINGTON DE 19805**

**MAILED**

**DEC 02 2010**

**OFFICE OF PETITIONS**

In re Application of  
Eric MAURICE. et al  
Application No. 12/419,810  
Filed: July 7, 2009  
Attorney Docket No. UC0421USDIV

DECISION ON PETITION

This is a decision on the petition filed, October 26, 2010, under 37 CFR 1.182 for expedited consideration.

The petition is **GRANTED**.

Petitioner has filed a request to receive expedited consideration for the petition filed October 26, 2010, to revive the unintentionally abandoned application under 37 CFR 1.137(b). Petitioner has provided the appropriate fee of \$400, as required under 37 CFR 1.182. Accordingly, the petition to revive has received expedited consideration.

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

All other inquiries should be directed to the Technology Center at (571) 272-1600.

This application is being referred to Technology Center AU 1621 for appropriate action by the Examiner.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**EI DU PONT DE NEMOURS AND COMPANY  
LEGAL PATENT RECORDS CENTER  
BARLEY MILL PLAZA 25/1122B  
4417 LANCASTER PIKE  
WILMINGTON DE 19805**

**MAILED  
DEC 02 2010  
OFFICE OF PETITIONS**

In re Application of :  
Eric Maurice SMITH, et al :  
Application No. 12/419,810 : **DECISION ON PETITION**  
Filed: April 7, 2009 :  
Attorney Docket No. UC0421USDIV :

This is a decision on the petition filed October 26, 2010, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed August 27, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and election, (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

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

This application is being referred to Technology Center AU 1621 for appropriate action by the Examiner in the normal course of business.

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

S/N 12/419,879

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Holec	Examiner:	Unknown
Serial No.:	12/419,879	Group Art Unit:	2821
Filed:	April 7, 2009	Docket No.:	227.0170USU1
Title:	SOLID STATE LIGHTING CIRCUIT AND CONTROLS		

---

**STATEMENT OF SPECIAL STATUS  
UNDER GREEN TECHNOLOGY PILOT PROGRAM**

This statement of special status accompanies a Petition to Make Special Under the Green Technology Pilot Program (74 FR 64666 (December 8, 2009)). In that regard, Applicants hereby submit that the claims of the pending application are directed to a single invention that materially contributes to “the more efficient utilization and conservation of energy resources”.

In specific, the claims of the pending application are directly related to solid state lighting (SSL) circuits (LED). Solid state lighting is more efficient in converting electricity to light than incandescent, fluorescent, and compact fluorescent systems. As such solid state lighting stands to greatly increase the energy efficiency of many lighting applications including street lighting, sign lighting, residential lighting, commercial lighting, etc. With regard to solid state lighting, the U.S. Department of Energy has stated that “No other lighting technology offers as much potential to save energy and enhance the quality of our building environments, contributing to our nation's energy and climate change solutions.” See <http://www1.eere.energy.gov/buildings/ssl/>.

The claimed technology of the pending application “materially” contributes to more efficient utilization and conservation of energy resources at least because it enables discrete control of the light output of SSL light emitters and enables direct connection to conventional AC power sources and dimming controls. Therefore, the claimed technology facilitates more widespread adoption of solid state lighting which would lead to substantial increases in energy efficiency as referenced by the U.S. Department of Energy.

Amendment and Response  
Serial No: 12/419,879  
Docket No.: 227.0170USU1

Please charge any additional fees or credit any overpayments to Deposit Account No. 50-3688 which may have been overlooked with regard to this filing.

Respectfully submitted,

10/20/2010  
Date

/Mark E. Deffner/  
Mark E. Deffner  
Reg. No. 55,103  
Pauly, DeVries Smith & Deffner, L.L.C.  
Customer Number: 57557  
Phone No: 612-746-4782

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)  
Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

### PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **227.0170USU1** Application Number (if known): **12/419,879** Filing date: **April 7, 2009**

First Named Inventor: **Henry V. Holec**

Title: **Solid State Lighting Circuit and Controls**

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: \_\_\_\_\_

Signature **/Mark E. Deffner/**

Date **10/20/2010**

Name (Print/Typed) **Mark E. Deffner**

Registration Number **55103**

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

\*Total of \_\_\_\_\_ forms are submitted.

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

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

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

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

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

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/419,879	04/07/2009	Henry V. Holec	227.0170USU1	1441

57557 7590 10/29/2010  
PAULY, DEVRIES SMITH & DEFFNER, L.L.C.  
Plaza VII-Suite 3000  
45 South Seventh Street  
MINNEAPOLIS, MN 55402-1630

EXAMINER
----------

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
10/29/2010	PAPER

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

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



PAULY, DEVRIES SMITH & DEFFNER, L.L.C.  
Plaza VII-Suite 3000  
45 South Seventh Street  
MINNEAPOLIS MN 55402-16

In re Application of	:	
HOLEC et al.	:	DECISION ON PETITION
Application No. 12/419,879	:	TO MAKE SPECIAL UNDER
Filed: April 07, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 227.0170USU1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on October 20, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**

**JUN 20 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Kai Yu, et al.	:	
Application No. 12/419,882	:	<b>DECISION ON PETITION</b>
Filed: April 7, 2009	:	<b>TO WITHDRAW</b>
Attorney Docket No. JRL-2380-1322	:	<b>FROM RECORD</b>

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed May 16, 2011.

The request is **NOT APPROVED**.

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

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

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

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

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

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

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **ERICSSON INC.**  
**6300 LEGACY DRIVE**  
**M/S EVER 1-C-11**  
**PLANO, TX 75024**

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	12419896
Filing Date	07-Apr-2009
First Named Inventor	George Brandes
Art Unit	2889
Examiner Name	KARABI GUHARAY
Attorney Docket Number	1485/84/3 CON
Title	LIGHT EMISSION DEVICE AND METHOD UTILIZING MULTIPLE EMITTERS

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	/vincent k. gustafson/
Name	Vincent K. Gustafson
Registration Number	46182



## UNITED STATES 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 : October 21,2011

In re Application of :

George Brandes

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12419896

Filed : 07-Apr-2009

Attorney Docket No : 1485/84/3 CON

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 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 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 2889 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

<b>REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO</b>			
Application No.:	12419917	First Named Inventor:	Brendan Coffey
Filing Date:	April 7, 2009	Attorney Docket No.:	4375-700USPT
Title of the Invention:	Solid-State Thermite Composition Based Heating 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 <a href="http://www.uspto.gov/ebc/efs_help.html">HTTP://WWW.USPTO.GOV/EBC/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/US2010/029425</u>			
The international filing date of the corresponding PCT application(s) is/are: <u>March 31, 2010</u>			
<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 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>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> <p>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></p> <p><input checked="" type="checkbox"/> is attached.</p> <p><input type="checkbox"/> has already been filed in the above-identified U.S. application on _____</p> <p><b>(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)</b></p> <p><input checked="" type="checkbox"/> are attached.</p> <p><input type="checkbox"/> have already been filed in the above-identified U.S. application on _____</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.: 12419917 First Named Inventor: Brendan Coffey

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1		
2	2	Identical claim
3		
4		
5		
6		
7		
8		
9	9	Identical claim
10	10	Identical claim
11	11	Identical claim
12	12	Identical claim
13	13	Identical claim
14	14	Identical claim
15	15	Identical claim
16	16	Identical claim
17	17	Identical claim
18	18	Identical claim
19		
20		
21		
22	22	Identical claim

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

Signature William D. Wiese/Date March 21, 2012Name  
(Print/Typed) William D. WieseRegistration Number 45217



## 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](http://www.uspto.gov)

Decision Date : February 13, 2012

In re Application of :

Sarah Tolbert

Application No : 12419936

Filed : 07-Apr-2009

Attorney Docket No : TRUC-007/01US 309245-2039

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

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

The request is **APPROVED**.

The request was signed by William S. Galliani (registration no. 33885 ) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Customer Number 58249 have been withdrawn.

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

Name The Regents of the University of California  
Name2  
Address 1 1111 Franklin Street  
Address 2  
City Oakland  
State CA  
Postal Code 94607-5200  
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	12419936	
Filing Date	07-Apr-2009	
First Named Inventor	Sarah Tolbert	
Art Unit	1761	
Examiner Name	MONIQUE PEETS	
Attorney Docket Number	TRUC-007/01US 309245-2039	
Title	PHOTOVOLTAIC DEVICES INCLUDING SELF-ASSEMBLING FULLERENE DERIVATIVES FOR IMPROVED EFFICIENCIES	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		58249
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	The Regents of the University of California	
Address	1111 Franklin Street	
City	Oakland	
State	CA	
Postal Code	94607-5200	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885



UNITED STATES 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)

LEWIS AND ROCA LLP  
1663 HWY 395, SUITE 201  
MINDEN, NV 89423

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Rocky J. Wright	:	DECISION ON PETITION
Application No. 12/419,938	:	TO WITHDRAW
Filed: April 7, 2009	:	FROM RECORD
Attorney Docket No. LIVE-001CIA	:	

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 21, 2011.

The request is **NOT APPROVED**.

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 current request cannot be approved at this time as it does not set forth the above mentioned certifications. Accordingly, any subsequent request to withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), must include all of the above listed certifications pursuant to 37 CFR 10.40.

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

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

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

Alicia Kelley-Collier  
Petitions Examiner  
Office of Petitions

Enclosure: Form PTO/SB/83 Request for Withdrawal as Attorney or Agent and Change of Correspondence Address.

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: FUSSNER ANTHONY G.  HARNESS, DICKEY & PIERCE, P.L.C. 7700 BONHOMME, SUITE 400 ST. LOUIS MO 63105 USA	<h1>PCT</h1> <p><b>NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION</b></p> <p>(PCT Rule 44.1)</p>
Applicant's or agent's file reference 9062D-406/POA	Date of mailing (day/month/year) 19 AUGUST 2010 (19.08.2010)  <b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. <b>PCT/US2010/022776</b> 9062D-406/POA	International filing date (day/month/year) <b>01 FEBRUARY 2010 (01.02.2010)</b>
Applicant <b>LAIRD TECHNOLOGIES, INC. et al</b>	

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
**For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 . 9.011.**
2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3.  **With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:**  
 the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
 no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 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. 82-42-481-8754 
---	---

\* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => Patent Search => PCT-Service

ID : PCT international application number

PW : **AX103130**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 9062D-406/POA	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2010/022776</b>	International filing date ( <i>day/month/year</i> ) <b>01 FEBRUARY 2010 (01.02.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 07 APRIL 2009 (07.04.2009)
Applicant <b>LAIRD TECHNOLOGIES, INC. 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 4 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

the international application in the language in which it was filed

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

b.  This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).

c.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2.  **Certain claims were found unsearchable** (See Box No. II)

3.  **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 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/US2010/022776****A. CLASSIFICATION OF SUBJECT MATTER***C08K 3/28(2006.01)i, C08L 75/04(2006.01)i, C08J 3/20(2006.01)i, C08L 101/12(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)

C08K 3/28; B22F 7/00; C08J 5/10; C08K 3/18; C08K 3/38; C08K 3/40; H01B 1/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

cKOMPASS(KIPO internal) &amp; Keywords: softened thermoplastic, filler, boron nitride, thermal conductivity.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2003-0040563 A1 (E. MIRHAIL SAGAL et al.) 27 February 2003 See [0008]-[0009], [0012]-[0013].	1-4, 17-20, 23-25
A	US 2005-0209383 A1 (JAMES MILLER et al.) 22 September 2005 See [0012], [0025].	1-4, 17-20, 23-25
A	US 2004-0229035 A1 (SAGAL E. MIKHAIL et al.) 18 November 2004 See [0009]-[0012], [0022]-[0023] and claims 1 and 2	1-4, 17-20, 23-25
A	US 2003-0222249 A1 (MICHAEL H. BUNYAN et al.) 04 December 2003 See [0010]-[0011], [0020]-[0021], [0031]-[0021], [0040] and claim 1	1-4, 17-20, 23-25
A	US 5681883 A1 (HILL; RICHARD FRANK et al.) 28 October 1997 See columns 1-3.	1-4, 17-20, 23-25

 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

18 AUGUST 2010 (18.08.2010)

Date of mailing of the international search report

**19 AUGUST 2010 (19.08.2010)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

KIM, Su Mi

Telephone No. 82-42-481-8132



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/022776**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2003-0040563 A1	27.02.2003	None	
US 2005-0209383 A1	22.09.2005	US 2003-0236335 A1	25.12.2003
US 2004-0229035 A1	18.11.2004	US 2003-0044631 A1	06.03.2003
		US 7038009 B2	02.05.2006
		US 7094822 B2	22.08.2006
US 2003-0222249 A1	04.12.2003	US 7208192 B2	24.04.2007
US 5681883 A1	28.10.1997	EP 0794227 A2	10.09.1997
		EP 0794227 A3	29.12.1999
		EP 0794227 B1	02.10.2002
		JP 04-108151 B2	25.06.2008
		JP 10-060161 A	03.03.1998
		KR 10-0362961 B1	04.03.2003
		TW 387839 A	21.04.2000

PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
FUSSNER ANTHONY G.  
  
HARNES, DICKEY & PIERCE, P.L.C. 7700  
BONHOMME, SUITE 400 ST. LOUIS MO 63105 USA

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **19 AUGUST 2010 (19.08.2010)**

Applicant's or agent's file reference 9062D-406/POA		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. <b>PCT/US2010/022776</b>	International filing date (day/month/year) <b>01 FEBRUARY 2010 (01.02.2010)</b>	Priority date(day/month/year) 07 APRIL 2009 (07.04.2009)	
International Patent Classification (IPC) or both national classification and IPC  <i>C08K 3/28(2006.01)i, C08L 75/04(2006.01)i, C08J 3/20(2006.01)i, C08L 101/12(2006.01)i</i>			
Applicant <b>LAIRD TECHNOLOGIES, INC. 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.

 <p>Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140</p>	Date of completion of this opinion 18 AUGUST 2010 (18.08.2010)	Authorized officer KIM, Su Mi  Telephone No.82-42-481-8132
		

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2010/022776

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/US2010/022776**

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application

claims Nos. 5-16, 21, 22

because:

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

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 15  
are so unclear that no meaningful opinion could be formed (*specify*):

Claim 15 is dependent on claims which do not comply with PCT Rule 6.4(a), and thus claim 15 is not searchable.

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

no international search report has been established for said claims Nos. 5-16, 21, 22

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

furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).

See Supplemental Box for further details.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/022776**

**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>1-4,17-20,23-25</u>	YES
	Claims	<u>NONE</u>	NO
Inventive step (IS)	Claims	<u>1-4,17-20,23-25</u>	YES
	Claims	<u>NONE</u>	NO
Industrial applicability (IA)	Claims	<u>1-4,17-20,23-25</u>	YES
	Claims	<u>NONE</u>	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2003-0040563 A1 ( E. MIKHAIL SAGAL et al. ) 27 February 2003  
 D2: US 2005-0209383 A1 ( JAMES MILLER et al. ) 22 September 2005  
 D3: US 2004-0229035 A1 ( SAGAL E. MIKHAIL et al. ) 18 November 2004  
 D4: US 2003-0222249 A1 ( MICHAEL H. BUNYAN et al. ) 04 December 2003  
 D5: US 5681883 A1 ( HILL; RICHARD FRANK et al. ) 28 October 1997

1. Novelty and Inventive Step

1-1. Concerning Claims 1-4 and 17-20.

The subject matter of claims 1 and 17 differs from these prior art documents in the method for forming a resin and filler composite system, the method comprising: softening a polymer and adding fillers to the softened polymer. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination.

Therefore, claims 1 and 17 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-4 are dependant on claim 1 and claims 18-20 are dependant on claim 17, therefore meet the requirements of PCT Article 33(2) and (3).

1-2. Concerning Claims 23-25.

The subject matter of claim 23 differs from these prior art documents in the method for forming a thermoplastic and boron nitride composite system, the method comprising: heating a thermoplastic and adding boron nitride to the liquefied thermoplastic.

Therefore, claim 23 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 24 and 25 are dependant on claim 23, therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability.

Claims 1-4, 17-20 and 23-25 are Industrially applicable under PCT Article 33(4).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/022776**

**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Claims 5-14, 16, 21 and 22 do not comply with PCT Rule 6.4(a) because multiple dependent claims shall not serve as a basic for any other multiple dependent claim.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/022776**

**Box No. VIII Certain observations on the international application**

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

Claim 1 and 17 do not meet the requirements of PCT Article 6, since the claims do not clearly describe the technical method as to how to soften a polymer.

## 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:	12/419,965	Filing date:	April 7, 2009
First Named Inventor:	Karen J. Bruzda		
Title of the Invention:	Methods of Forming Resin and Filler Composite Systems		
<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>			
<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>			

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/US2010/022776

The international date of the corresponding PCT application(s) is/are: February 1, 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.: 12/419,965

First Named Inventor: Karen J. Bruzda

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
2	2	Same
3	3	Same
4	4	Same
5	5	Same
6	6	Same
7	7	Same
8	8	Same
9	9	Same
10	10	Same
11	11	Same
12	12	Same
13	13	Same
14	14	Same
15	15	Same
16	16	Same
17	17	Same
18	18	Same
19	19	Same

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

Signature /Anthony G. Fussner/	Date September 22, 2010
Name (Print/Typed) Anthony G. Fussner	Registration Number 47,582





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.
12/419,965	04/07/2009	Karen J. Bruzda	9062D-000406/US	1589

28997 7590 10/26/2010  
HARNES, DICKEY, & PIERCE, P.L.C  
7700 Bonhomme, Suite 400  
ST. LOUIS, MO 63105

EXAMINER

EASHOO, MARK

ART UNIT	PAPER NUMBER
1767	

MAIL DATE	DELIVERY MODE
10/26/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

October 26, 2010

In re application of : DECISION ON REQUEST TO  
Karen J. Bruzda : PARTICIPATE IN PATENT  
Serial No. 12/419,965 : PROSECUTION HIGHWAY  
Filed: April 07, 2009 : PROGRAM AND  
For: METHOD OF FORMING RESIN AND : PETITION TO MAKE SPECIAL  
FILLER COMPOSITE SYSTEMS : UNDER 37 CFR 1.102(a)

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

The request and petition are **DISMISSED**.

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

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

Application No. 12/419,965

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.

Conditions (1) and (3-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (2). Regarding the requirement of condition (2), the ISA/237 in PCT/US2010/022776 contained observations in Box VIII and the Petitioner has failed to explain why the claims are not subject to these observations. As set forth in the USPTO/PCT PPH agreement, any observation described in Box VIII of the WO/ISA, which forms the basis for the PCT-PPH request, applicant must identify and explain why the claims are not subject to any observation described in Box VIII. The US application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claims are not subject to the observation described in Box VIII.

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). Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

**PATENT**

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

Application No.: 12/419,965  
Filing Date: April 7, 2009  
Applicant: Karen J. Bruzda  
Confirmation No. 1589  
Group Art Unit: 1796  
Examiner: Aaron J. Greso  
Title: METHOD OF FORMING RESIN AND FILLER  
COMPOSITE SYSTEMS  
Attorney Docket: 9062D-000406/US

---

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

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

Dear Sir:

On October 26, 2010, the USPTO issued a Decision (mailing date October 26, 2010) dismissing Applicants' Petition and Request to Participate in the PCT Patent Prosecution Highway Pilot Program on the grounds that although conditions (1) and (3-7) were met, Applicant failed to satisfy condition (2) because:

the Written Opinion in PCT/US2010/022776 contained observations in Box VIII;  
and

the Petitioner failed to explain why the claims are not subject to these observations.

Box VIII of the Written Opinion concludes that independent claims 1 and 17 did not meet the requirements of PCT Article 6, since the claims do not clearly describe the technical method as to how to soften a polymer. PCT Article 6 states: “The claim or claims shall define the matter for which protection is sought. Claims shall be clear and concise. They shall be fully supported by the description.”

Applicants respectfully disagree with the ISA/KR that claims 1 and 17 do not meet the requirements PCT Article 6. First, Box VIII of the Written Opinion states that the claims do not clearly describe the technical method as to how to soften a polymer. Notably, this is a different standard than what is set forth in PCT Article 6, which states (with emphasis added): “The claim or claims shall define the matter for which protection is sought. Claims shall be clear and concise.”

This notwithstanding, Applicants believe that claims 1 and 17 are clear, concise, and define the matter for which protection is sought. Moreover, one having ordinary skill in the art would readily understand the subject matter defined by independent claims 1 and 17, especially in light of the disclosure of the application and examples provided therein as to how a polymer may be softened. For example, paragraphs [0021], [0022], and [0032] of the PCT Application as filed (or corresponding paragraphs [0020], [0021], and [0031] of the instant U.S. application) provide explanations of exemplary ways to soften a polymer. As further examples, dependent claims 2-4, 13-15 and 20 that ultimately depend from independent claim 1 or 17 recite additional features relating to softening a polymer (claim 1) or softening a thermoplastic (claim 17).

Claim 1 is directed to a method of forming a resin and filler composite system, where the method comprises softening a polymer formed by a moisture sensitive chemical reaction of one or more monomers; and adding at least one or more fillers to the softened polymer to form a resin and filler composite system; wherein formation of foam is substantially inhibited when adding at least one or more fillers to the softened polymer.

Claim 17 is directed to a method of forming a resin and filler composite system, where the method comprises softening a thermoplastic; and adding at least one or more fillers to the softened thermoplastic to achieve a thermal conductivity of at least about 0.5 Watts per meter-Kelvin.

As just explained, the disclosure of the application provides examples of how a polymer may be softened. And, dependent claims recite specific ways that the softening may occur. Despite these examples and dependent claims, the ISA/KR concludes that independent claims 1 and 17 do not meet the requirements of PCT Article 6 because claims 1 and 17 do not clearly describe the technical method as to how to soften a polymer. Presumably, the ISA/KR incorrectly believes that Applicants independent claims 1 and 17 should have been significantly narrower and recited the and only the (i.e., one) technical method despite Applicants' disclosure of different ways as to how a polymer may be softened, such as in paragraph [022] of the PCT application (paragraph 21 of the instant application set forth below).

**[0022]** In example methods of the present disclosure where softening the polymers (in preparation for adding fillers) includes heating the polymers, the polymers can be heated to temperatures generally at or above their softening temperatures by suitable passive heating operations or active heating operations, including, for example actively heating the polymers in an industrial oven, etc. within the scope of the present disclosure. The softening temperatures of the polymers may be any temperature suitable for softening the polymers such that fillers can be added (e.g., a temperature of 1 degree Celsius above room temperature, a temperature of 100 degrees Celsius, a temperature of 150 degrees Celsius, a temperature above, below, or at room temperature, etc.). In one example method, softening a polymer includes heating the polymer generally to its melting temperature such that the polymer liquefies. It should be appreciated, however, that polymers need not be completely liquefied in order to add fillers. For example, some embodiments may include adding fillers to a polymer (e.g., that has not been liquefied, etc.) where the polymer is sufficiently soft and/or has a viscosity sufficient to allow the addition of and receipt of fillers. By way of further example, the viscosity of the polymer may be reduced, for example, through active heating (e.g., actively applying heat by heating the polymer in an industrial oven, etc.) and/or through passive heating (e.g., exposing the polymer to the ambient environment and allowing the polymer to passively heat up to ambient or room air temperature, etc.). Further, it should be appreciated that the polymers can be actively or passively heated and cooled (e.g., solidified, etc.) as desired (and repeatedly, if necessary) for adding the fillers. The polymers may include, for example, thermoplastic characteristics which allow for the repeated heating and cooling of the polymers without adversely affecting their chemical, physical, etc. characteristics, properties, etc.

For at least the above reasons, Applicants submit that the ISA/KR improperly concluded that claims 1 and 17 did not meet the requirements of PCT Article 6 because Applicants should not be required to narrowly file their independent claims 1 and 17 so as to describe the (and only the/one) technical method as to how to soften a polymer. And, accordingly, Applicant believes that claims 1 and 17 should not be subject to the observations described in Box VIII. Therefore, the instant U.S. Application 12/419,965 is believed to have met all the requirements necessary to be eligible to participate in the PCT-PPH pilot program.

It is believed that no fees are due in connection with this response. If, however, Applicants owed any fee(s), the Commissioner is hereby authorized to charge such fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any fee deficiency or overpayment of fees in connection with this patent application, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. **08-0750**.

Respectfully submitted,

/Anthony G. Fussner/

Dated: November 5, 2010

By: \_\_\_\_\_  
Anthony G. Fussner, Reg. No. 47,582

HARNES, DICKEY & PIERCE, P.L.C.  
7700 Bonhomme, Ste. 400  
St. Louis, MO 63105  
(314) 726-7502 (direct)  
(314) 726-7501 (facsimile)



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.
12/419,965	04/07/2009	Karen J. Bruzda	9062D-000406/US	1589
28997	7590	11/15/2010	EXAMINER	
HARNES, DICKEY, & PIERCE, P.L.C			GRESO, AARON J	
7700 Bonhomme, Suite 400			ART UNIT	PAPER NUMBER
ST. LOUIS, MO 63105			1763	
			MAIL DATE	DELIVERY MODE
			11/15/2010	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.



BC

November 15, 2010

In re application of	:	DECISION ON REQUEST TO
Karen J. Bruzda	:	PARTICIPATE IN PATENT
Serial No. 12/419,965	:	PROSECUTION HIGHWAY
Filed: April 07, 2009	:	PROGRAM AND
For: METHOD OF FORMING RESIN AND	:	PETITION TO MAKE SPECIAL
FILLER COMPOSITE SYSTEMS	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 05, 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. 12/419,965

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

ARNOLD & PORTER LLP  
ATTN: IP DOCKETING DEPT.  
555 TWELFTH STREET, N.W.  
WASHINGTON DC 20004-1206

**MAILED**

**SEP 28 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Blenkhorn, et al. : DECISION ON PETITION  
Application No. 12/419,975 :  
Filed: 7 April, 2009 :  
Attorney Docket No. P30839US01 / 21478011 :

This is a decision on the petition filed on 29 January, 2010, under 37 C.F.R. §1.47.

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

**NOTE:** For reasons that are not clear in the record, this matter was not sent to the Office of Petitions for consideration until on or about 22 September, 2010—if the petition was filed electronically, possibly the submission coding was not proper. In any case Petitioner should be aware that cycle time in the Office of Petitions generally is 90-120 days, and should Petitioner not have a reply to a matter from the Office in that time, Petitioner will wish to inquire—it is noted that no Status Inquiry was filed of record in this matter.

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

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

### BACKGROUND

The record reflects as follows:

The application was deposited on 7 April, 2009, without, *inter alia*, a fully executed oath/declaration

On 22 April, 2009, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 24 August, 2009, Petitioner Kristen O. Riemenschneider (Reg. No. 62,772) (with s-signature) with Milan M. Vinnola (Reg. No. 45,979) filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor O'Hara for himself and on behalf of non-signing inventor Keven P. Blenkhorn (Mr. Blenkhorn), with a statement as to the current/valid/reasonably believed to be last known address for Mr. Blenkhorn and averment of transmission of the oath/declaration to Mr. Blenkhorn, but not the entire application (description, claims, abstract, drawings) by a Dr. Petrov for 21 CSI (apparently averred to be an assignee, however no assignment is apparent of record with the Office as of 25 September, 2009, from the signing co-inventor O'Hara). As is apparent from the transmittals submitted in support of the petition, the only enclosures transmitted to Mr. Blenkhorn were oath/declarations (apparently in the form of a power of attorney) and these deficiencies are not overcome in the additional statements of Danielle Edwards, averred to be a registered practitioner (but with no registration number apparent) and of Plamen V. Petrov for 21 CSI. Thus, Petitioner failed to evidence with documentary support (e.g., transmittal letters) that the entire application (description, claims, abstract, drawings) was sent to the non-signing inventor Blenkhorn and that he has refused to sign or could not be found. Moreover, in light of the extent of the redaction of supporting documents (e.g., employment agreement (roughly seven of eight columns across four pages) and inventory of "applicable inventions" (in its entirety of more than two and one-half pages) it is impossible to ascertain what if any claim 21 CSI may have in this matter with regard to Mr. Blenkhorn's work in this matter. And the redaction of an Email attributed to Mr. Blenkhorn reads only that he is "not currently of a mind to let the patent application go forward under the conditions that you describe," which may indicate/evidence Mr. Blenkhorn's concern for a lack of accuracy of the statements contained in the application specification. The petition was dismissed on 29 September, 2009.

On 29 January, 2010, Petitioner readvanced the petition a petition pursuant to 37 C.F.R. §1.47, and on this submission Petitioner evidenced with an Email from the non-signing inventor his acknowledgment of receipt of the entire application and that he since has failed to sign/join in the oath/declaration and so his constructive refusal to join—thus, Petitioner made a showing that: the entire application (description, claims, abstract, drawings) was sent to the non-signing inventor and that the non-signing inventor constructively refused to sign the oath/declaration; and a statement of the last known address of the non-signing inventor with a showing of diligence in

Application No. 12/419,975

the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor(s) constructively refused to sign.

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>1</sup>

#### CONCLUSION

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

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

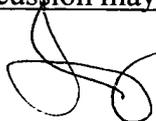
The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

---

<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). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/419,975

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>2</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>2</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

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

KEVIN P. BLENKHORN  
2208 S. CULPEPPER ST.  
ARLINGTON, VA 22206

**MAILED**

**SEP 28 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Blenkhorn, et al. : COMMUNICATION  
Application No. 12/419,975 :  
Filed: 7 April, 2009 :  
Attorney Docket No. P30839US01 / 21478011 :

Dear Kevin P. Blenkhorn:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

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

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Application No. 12/419,975

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 action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

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

Counsel of Record:  
ARNOLD & PORTER LLP  
ATTN: IP DOCKETING DEPT.  
555 TWELFTH STREET, N.W.  
WASHINGTON DC 20004-1206

---

<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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW CA 94041

**MAILED**

MAR 04 2011

**OFFICE OF PETITIONS**

In re Patent No. 7,593,713 :  
Issued: September 22, 2009 :  
Application No. 12/420,008 :  
Filed: April 7, 2009 :  
Attorney Docket No. 24998-15514 :

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 4, 2011.

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

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

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

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

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

Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAILED**

**JUL 07 2011**

**OFFICE OF PETITIONS**

Arent Fox LLP  
555 West Fifth Street  
48th Floor  
Los Angeles, CA 90013

In re Application of Varadarajan et al. :  
Application No. 12/420,015 : Decision on Petition  
Filing Date: December 9, 2010 :  
Attorney Docket No. 030271.00021 :

This is a decision on the petition under 37 CFR 1.137(b) filed June 14, 2011, which requests revival of the application.

The petition is **granted**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action issued December 9, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on March 10, 2011.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee, and
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.<sup>1</sup>

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply in the form of an amendment, (2) the required petition fee of \$810, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

---

<sup>1</sup> A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

Payment for an extension of time is unnecessary for relief to be granted under 37 CFR 1.137(b). *See* MPEP 711.03(c)(II)(A). In addition, the Office cannot accept an extension of time fee submitted after the expiration of the maximum extendable time period for reply. Therefore, the \$555 payment for a three-month extension of time submitted with the petition has been credited to Deposit Account No. 01-2300.

Technology Center Art Unit 2114 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MENTOR GRAPHICS CORP.  
PATENT GROUP  
8005 SW BOECKMAN ROAD  
WILSONVILLE OR 97070-7777**

**MAILED**

**AUG 10 2010**

In re Application of : OFFICE OF PETITIONS  
Ruifeng Guo :  
Application No. 12/420,047 : DECISION ON PETITION  
Filed: April 7, 2009 :  
Attorney Docket No. 10498-REG1/TLE :

This is a decision on the petition, filed January 29, 2010, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application (Notice) of April 29, 2009, which set a two (2) month period for reply. Accordingly, a reply was due on or before June 29, 2009.

Petitioner states that a timely reply was filed on November 30, 2009, which included a five (5) month extension of time. A review of the file record shows the response to the Notice and extension of time filed on November 30, 2009.

Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of April 29, 2010 is hereby withdrawn and the application restored to pending status.

This application is being referred to the Office of Data Management for appropriate action in the normal course of business on the reply received November 30, 2009.

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

Carl Friedman  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**  
**AUG 20 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Roumen Deyanov, et al. :  
Application No. 12/420,053 : ON PETITION  
Filed: April 7, 2009 :  
Attorney Docket No.: 23758-0017001 :

This is in response to the communication filed March 29, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(b)," mailed April 1, 2010.

A review of the records discloses that the above-identified application was filed on April 7, 2009, without an executed oath or declaration. It is noted that the application named Roumen Deyanov, Michel Pharand and Joseph John Fatula, Jr. as the joint inventors. On April 23, 2009, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring, *inter alia*, an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a). A petition under the provisions of 37 CFR 1.47(b), including an appropriate extension of time, was filed on October 29, 2009. The petition was dismissed in a decision mailed January 6, 2010. On March 29, 2010, the present communication was filed, including a declaration signed by joint inventors Roumen Deyanov and Joseph John Fatula, Jr. Applicants explain that that the declaration filed March 29, 2010 corrects the earlier identification of inventorship, as Michel Pharand was named in error.

Since the declaration under 37 CFR 1.63 of March 29, 2010 sets forth the inventive entities in accordance with 37 CFR 1.41, the petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT**.

Further consideration under § 1.47(b) 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(b).

The application is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing using the declaration filed March 29, 2010.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**MAILED**

SEP 01 2010

**OFFICE OF PETITIONS**

**CAHN & SAMUELS LLP  
1100 17th STREET NW  
SUITE 401  
WASHINGTON DC 20036**

In re Application of	:	
Simpson et al.	:	DECISION ON PETITION
Application No. 12/420,076	:	TO WITHDRAW
Filed: April 8, 2009	:	FROM RECORD
Attorney Docket No. 908.0002CON	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 2, 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 Warren Zitlau on behalf of all attorneys/agents of record who are associated with Customer Number 25534. All attorneys/agents associated with Customer Number 25534 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, Maria Simpson, at the address indicated below.

There is an outstanding Office action, mailed April 27, 2010, which requires a reply from the applicants. 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

cc: MARIA SIMPSON  
C/O FDI ENERGY, INC.  
1300 PENNSYLVANIA AVENUE NW, SUITE 700  
WASHINGTON DC 20004

**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:	12/420,082	Filing date:	April 8, 2009
-----------------	------------	--------------	---------------

First Named Inventor:	Lincoln K. Uyeda
-----------------------	------------------

Title of the Invention:	Optimized Virtual Machine Migration Mechanism
-------------------------	---

**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/US10/29714

**The international filing date of the corresponding PCT application(s) is/are:** April 1, 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.



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.
12/420,082	04/08/2009	Lincoln K. Uyeda	326626.01	1807
69316	7590	07/08/2011	EXAMINER	
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052			CHAN, EDDIE P	
			ART UNIT	PAPER NUMBER
			2183	
			NOTIFICATION DATE	DELIVERY MODE
			07/08/2011	ELECTRONIC

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

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

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

vffiling@microsoft.com  
stevensp@microsoft.com  
ntovar@MICROSOFT.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MICROSOFT CORPORATION  
ONE MICROSOFT WAY  
REDMOND WA 98052

In re Application of: Lincoln K. UYEDA.  
Application No. 12/420,082  
Atty Docket #: **326626.01**  
Filed: April 8, 2009  
For: **OPTIMIZED VIRTUAL MACHINE  
MIGRATION MECHANISM**

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

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

The petition is **GRANTED.**

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

- (1) The U.S. application is
  - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.  
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,  
b. an English translation of the claims and  
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

---

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

**MAILED**  
**OCT 17 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Hyo-Yul Kim, et al. :  
Application No. 12/420,152 :  
Filed: April 8, 2009 :  
Attorney Docket No. 68445DIV(301264) :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue 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) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NAVAL RESEARCH LABORATORY  
ASSOCIATE COUNSEL (PATENTS)  
CODE 1008.2  
4555 OVERLOOK AVENUE, S.W.  
WASHINGTON DC 20375-5320

In re Application of  
HSU, DAVID S.Y. et al.  
Application No.: 12/420,160  
Filing or 371(c) Date: April 8, 2009  
Attorney Docket Number: 99794-US1

FEB 03 2011

:  
: DECISION ON  
: PETITION  
:

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on January 7, 2011.

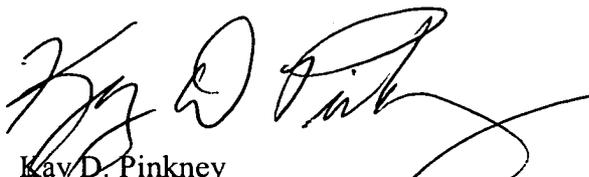
This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed September 17, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on January 3, 2011.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on November 16, 2010. Petitioner submitted a copy of the original submission which included a completed Certificate of Mailing/Transmission. As authorized, the issue fee of \$1510.00, publication fee of \$300.00 and 23 advance copies was charged to Deposit Account.

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



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.
12/420,169	04/08/2009	Daisuke NAKANISHI	4803-072	1979
22429	7590	10/18/2010	EXAMINER	
LOWE HAUPTMAN HAM & BERNER, LLP			SHALLENBERGER, JULIE A	
1700 DIAGONAL ROAD			ART UNIT	PAPER NUMBER
SUITE 300			2885	
ALEXANDRIA, VA 22314			MAIL DATE	DELIVERY MODE
			10/18/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**LOWE HAUPTMAN HAM & BERNER, LLP**  
**1700 DIAGONAL ROAD**  
**SUITE 300**  
**ALEXANDRIA VA 22314**

**In re Application of**

**Daisuke NAKANISHI**

**Application No.: 12/420,169**

**Filed: 08 April 2009**

**Attorney Docket No.: 4803-072**

**For: BACKLIGHT UNIT, ELECTRO-  
OPTICAL DEVICE, AND  
ELECTRONIC APPARATUS**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 23 August 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and

- b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1), (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 only, claim 1 of the instant application recites "a plurality of reflecting surfaces that are formed at a plurality of ends" whereas claim 1 of the JPO application recites "a plurality of reflecting surfaces that are vertically formed at a plurality of edges."

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
Lee W. Young  
TQAS Technology Center 2800



UNITED STATES 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)

MH2 TECHNOLOGY LAW GROUP, LLP  
1951 KIDWELL DRIVE, SUITE 550  
TYSONS CORNER, VA 22182

**MAILED**

JUN 21 2011

**OFFICE OF PETITIONS**

In re Application of :  
**Javier A. SALCEDO**, et al. :  
Application No. 12/420,264 : DECISION ON PETITION  
Filed: April 8, 2009 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. 0008.0007-01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 22, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 22, 2011. Accordingly, the date of abandonment of this application is May 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

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 Data Management for processing into a patent.

  
Thurman K. Page  
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.
12/420,319	04/08/2009	James Toshima	200802461.01	2265
36738	7590	03/06/2012	EXAMINER	
ROGITZ & ASSOCIATES			SMITH, ERIN W	
750 B STREET			ART UNIT	PAPER NUMBER
SUITE 3120			3632	
SAN DIEGO, CA 92101			MAIL DATE	DELIVERY MODE
			03/06/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MAR - 6 2012

ROGITZ & ASSOCIATES  
750 B STREET, SUITE 3120  
SAN DIEGO, CA 92101

In re Application of: : DECISION ON PETITION  
James Toshima : REGARDING REQUEST  
Application No. 12/420,319 : TO WITHDRAW FINALITY  
Filed: April 08, 2009 : UNDER 37 CFR 1.181  
For: MOUNTING BRACKET WITH :  
MULTIDIMENSIONAL STABILITY :

This is a decision on the petition under 37 CFR 1.181 filed September 26, 2011, requesting withdrawal of the finality of the Office action mailed June 07, 2011.

The petition is GRANTED.

A review of the record reveals that in the first Office action on the merits mailed on March 16, 2011 the examiner rejected claims 15 and 21 as being obvious in light of Xayoiphonh alone. An amendment was filed on March 28, 2011 without amending claims 15 and 21. The examiner sent out a final Office action on June 7, 2011 wherein the unamended claims 15 and 21 were rejected as being obvious over Xayoiphonh in view of Levene.

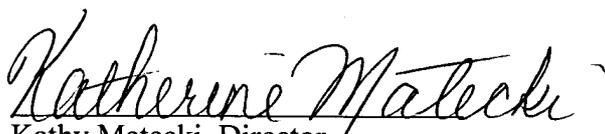
Petitioner alleges that the final rejection mailed June 07, 2011 is premature because the Office action presented a new rejection of claims 15 and 21, which was not amended in response to the prior Office action dated March 16, 2011.

MPEP §706.07(a) sets forth that the second or any subsequent action of the merits shall be made final except where the examiner introduces a new ground of rejection that is neither necessitated by applicants' amendment nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c).

In view of the fact that the final rejection of claims 15 and 21 was neither necessitated by an amendment, nor based on information submitted in an information disclosure statement, the finality of the Office action mailed June 07, 2011 is improper and premature. Therefore, the finality of the Office action mailed June 07, 2011 is hereby vacated. The status of the June 7, 2011 Office action is now a non-final Office action, The amendment after final filed on August 22, 2011 is considered a proper and timely response to the June 7, 2011 Office action and has

been entered. The application is returned to the examiner for consideration of the August 22, 2011 amendment which has been entered.

Inquiries related to this decision may be directed to Supervisory Patent Examiner Terrell Mckinnon at (571) 272-4797.

  
Kathy Matecki, Director  
Patent Technology Center 3600  
(571) 272-5250

km/tm: 02/15/12

LM



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.
12/420,448	04/08/2009	Mikhail Vladimirovitch Matz	UF.364XCD2	2513

7590 11/17/2010  
SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
PO Box 142950  
GAINESVILLE, FL 32614

EXAMINER
----------

FRONDA, CHRISTIAN L

ART UNIT	PAPER NUMBER
----------	--------------

1652

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/17/2010

ELECTRONIC

**ACKNOWLEDGEMENT OF REQUEST**

*Notice of Allowance/Allowability Mailed*

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101  
Application Assistance Unit  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

November 15, 2010

SALIWANCIK LLOYD & SALIWANCIK  
A PROFESSIONAL ASSOCIATION  
PO Box 142950  
GAINESVILLE FL 32614

In re Application of :  
Mikhail Vladimirovitch Matz, et al. : **DECISION ON PETITION**  
Application No. 12420448 :  
Filed: 04/08/2009 : **ACCEPTANCE OF COLOR**  
Attorney Docket No. UF.364XCD2 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 27, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Donald Fairchild/  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**CHOATE, HALL & STEWART LLP**  
Two International Place  
Boston, MA 02110

**MAILED**

**AUG 16 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Gregory L. Verdine, et al.	:	
Application No. 12/420,451	:	DECISION ON PETITION
Filed: April 8, 2009	:	TO WITHDRAW
Attorney Docket No. 12827-019-999	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 23, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart has been revoked by the assignee of the patent application on July 19, 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: **JONES DAY**  
222 E 41<sup>st</sup> Street  
New York, NY 10017



UNITED STATES 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 8, 2011

Lauren T. Emr  
Hoffmann & Baron, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791-4407

Patent No. : 7,820,807 B2  
Ser. No. : 12/420,481  
Inventor(s) : David Thomas, et al.  
Issued : October 26, 2010  
Docket No. : 294-379 DIV II  
Title : GENE CONSTRUCTS CODING FOR CD40-BINDING ACTIVATING ANTIBODIES

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A.** the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B.** a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C.** a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

*In the Request*, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-0025  
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/  
Virginia Tolbert  
For Mary Diggs  
Decisions & Certificates  
of Correction Branch  
(571) 272-0460 or (703) 756-1814

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**  
**JUN 20 2011**  
**OFFICE OF PETITIONS**

HOFFMANN & BARON, LLP  
6900 JERICHO TURNPIKE  
SYOSSET NY 11791

In re Patent No. 7,820,807 :  
Issue Date: October 26, 2010 :  
Application No. 12/420,481 : **DECISION ON PETITION**  
Filed: April 8, 2009 :  
Attorney Docket No. 294-379 DIV II :

This is a decision on the petition under 37 CFR 3.81(b), filed June 9, 2011.

The petition is **DISMISSED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.<sup>1</sup> However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);
- (B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

---

<sup>1</sup> See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).<sup>2</sup>

Patentee has not met requirement (D) above. While patentee has submitted the \$130 petition processing fee, patentee has not submitted the \$100 fee required for the Certificate of Correction. No authorization to charge any additional fees to a deposit account was found with the petition.

Accordingly, on renewed petition, patentee must submit the \$100 fee set forth in 37 CFR 1.20(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop Petitions  
                              Commissioner for Patents  
                              P.O. Box 1450  
                              Alexandria VA 22313-1450

By FAX:                   (571)273-8300  
                              Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

---

<sup>2</sup> MPEP 307.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**  
**JUL 05 2011**  
**OFFICE OF PETITIONS**

HOFFMANN & BARON LLP  
6900 JERICHO TURNPIKE  
SYOSSET NY 11791

In re Patent No. 7,820,807 :  
Issue Date: October 26, 2010 :  
Application No. 12/420,481 : DECISION ON PETITION  
Filed: April 8, 2009 :  
Attorney Docket No. 294-379 DIV II :

This is a decision on the petition under 37 CFR 3.81(b), filed June 28, 2011.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.<sup>1</sup> However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);
- (B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

---

<sup>1</sup> See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).<sup>2</sup>

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

---

<sup>2</sup> MPEP 307.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**SEP 16 2010**

**OFFICE OF PETITIONS**

RANBAXY INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
600 COLLEGE ROAD EAST  
PRINCETON NJ 08540

Applicant: Gulati, et al.  
Appl. No.: 12/420,504  
Filing Date: April 8, 2009  
Title: EXTENDED RELEASE DOSAGE FORMS OF QUETIAPINE  
Attorney Docket No.: RLL-1107US  
Pub. No.: 2009/0264408 A1  
Pub. Date: October 22, 2009

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on December 11, 2009, for the above-identified application.

The request is **DISMISSED**.

Applicant requests that the application be republished because the patent application publication contains material errors in the publication wherein paragraphs 0002, 0003, 004, 0069 and 0072 have some misprinted words and data.

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 instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b). The application was published as submitted on April 8, 2009. In accordance with 37 CFR 1.221(b), corrected publication is not applicable to correct applicants errors.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

<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).

Application No. 12/420,504

Applicants' request for a corrected patent application publication on June 25, 2008, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 01-31-11

TO SPE OF : ART UNIT 3748

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/420519 Patent No.: 7837452

CofC mailroom date: 01-20-11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580**

  
\_\_\_\_\_  
Angela Green  
Certificates of Correction Branch  
(703) 756-1541

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT  
TO 37 CFR 1.323 and CORRECTION OF INVENTORSHIP OF A  
PATENT PURSUANT TO 35 U.S.C 256 ARE APPROVED

**SPE *Thomas E Denison* Art Unit 3748**



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.
12/420,519	04/08/2009	Kirill M. Ignatiev	0315-000603/COB	2617
27572	7590	02/09/2011	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			TRIEU, THERESA	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			3748	
			MAIL DATE	DELIVERY MODE
			02/09/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS MI 48303

Art Unit : 3748

In re Application of: Ignatiev et al. :  
Appl. No.: 12/420,519 : DECISION ON PETITION  
Filed: April 08, 2009 :  
For: SCROLL COMPRESSOR INCLUDING DEFLECTION :  
COMPENSATION FOR NON-ORBITING SCROLL :

In the petition under 37 CFR 1.324 filed on January 20, 2011, applicants request that Masao Akei, Miamisburg, OH (U.S.) be deleted inventor of the above named invention.

Regarding the petition under 37 CFR 1.324, the following is required per 37 CFR 1.324:

(b)(1) A statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on his or her part;

(b)(2) A statement from the current named inventors who have not submitted a statement under paragraph (b)(1) of this section either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change;

(b)(3) A statement from all assignees of the parties submitting a statement under paragraphs (b)(1) and (b)(2) of this section agreeing to the change of inventorship in the patent, which statement must comply with the requirements of § 3.73(b) of this chapter; and

(b)(4) The fee set forth in § 1.20(b).

All requirements set forth in 37 CFR 1.324, as noted above, have been met by applicants' petition.



UNITED STATES 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 petition is granted.**

The correct inventive entity for this application is:

Krill Ignatiev, Sidney, OH (US)

James F. Fogt, Sidney, OH (US)

PETITION GRANTED

*Thomas E Denion*

Thomas E. Denion  
Supervisory Patent Examiner  
Art Unit: 3748  
571-272-4859  
571-273-4859 fax



UNITED STATES 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)

**DATE:** February 8, 2011  
**TO:** Certificates of Correction Branch  
**FROM:** Thomas E. Denion  
SPE, Art Unit 3748  
**SUBJECT:** REQUEST FOR CERTIFICATE OF CORRECTION

Please, issue a Certificate of Correction in U.S. Letters Patent No. 7,837,452 B2 as specified on the attached Certificate.

*Thomas E Denion*

Thomas E. Denion  
Supervisory Patent Examiner  
Art Unit: 3748  
571-272-4859  
571-273-4859 fax

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE**

Patent No. 7,837,452 B2  
Patented: November 23, 2010

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Krill Ignatiev, Sidney, OH (US)

James F. Fogt, Sidney, OH (US)

Also, it is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page, No. (57), Abstract, line 1, after "compressor" please add "includes".  
Column 8, line 22, "sealing paint" should be --sealing point--.  
Column 13, line 3, "communicated" should be --communication--.



Thomas E. Denion  
Supervisory Patent Examiner  
Art Unit: 3748  
571-272-4859  
571-273-4859 fax

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO : 7,837,452 B2

APPLICATION NO: 12/420,519

DATED : November 23, 2010

INVENTOR(S) : Kirill Ignatiev et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page, No. (75), INVENTOR, please delete "Masao Akei, Miamisburg, OH (US)".

Title Page, No. (57), Abstract, line 1, after "compressor" please add "includes".

Column 8, line 22, "sealing paint" should be --sealing point--.

Column 13, line 3, "communicated" should be --communication--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

7,837,452 B2

Harness, Dickey & Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI  
48303

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

15746359.1

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 1/28/2011

TO SPE OF : ART UNIT 2823

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/420613 Patent No.: 7858486 B2

CofC mailroom date: 1/14/2011

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580

**Virginia Tolbert**  
Certificates of Correction Branch  
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- Approved** All changes apply.
- Approved in Part** Specify below which changes do not apply.
- Denied** State the reasons for denial below.

Comments: The above change is hereby approved. Claim 10 should  
be dependent up claim 9.

Maail A. Sene  
SPE

2823  
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP**  
**300 S. WACKER DRIVE**  
**32ND FLOOR**  
**CHICAGO IL 60606**

**MAILED**

**APR 19 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Graversen et al. :  
Application No. 12/420,680 : **ON PETITION**  
Filed: April 8, 2009 :  
Attorney Docket No. 09-226 :

This is a decision on the petition under 37 C.F.R. § 1.182, filed February 27, 2011, to change the name of an inventor.

The petition is **GRANTED**.

The name will be changed from John Nieland to Josephus Dirk Nieland.

A Corrected Filing Receipt reflecting the name change was mailed March 7, 2011.

This matter is being directed to Technology Center AU 1648 to await a response to the Office action mailed December 23, 2010.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206. All other inquiries should be directed to the Technology Center.

Liana Walsh  
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:	12/420,735	Filing date:	April 8, 2009
-----------------	------------	--------------	---------------

First Named Inventor:	Roger D. Carroll
-----------------------	------------------

Title of the Invention:	SYSTEM AND METHOD FOR ENHANCED CUSTOMER KIOSK ORDERING
-------------------------	--

**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/EF\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US09/39970

The international date of the corresponding PCT application(s) is/are: April 8, 2009

**I. List of Required Documents:**

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

- Is attached.
- Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

- Is attached.
- Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.



## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: MURAFF JAMES P.  NEAL, GERBER & EISENBERG LLP TWO NORTH LASALLE STREET SUITE 1700 CHICAGO IL 60602 USA
--

PCT

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing (day/month/year) 29 SEPTEMBER 2009 (29.09.2009)	
Applicant's or agent's file reference 19592.02WO2	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. <b>PCT/US2009/039970</b>	International filing date (day/month/year) <b>08 APRIL 2009 (08.04.2009)</b>
Applicant <b>RESTAURANT TECHNOLOGY, INC. et al</b>	

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
**For more detailed instructions, see the notes on the accompanying sheet.**
2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3.  **With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:**  
 the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
 no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer  COMMISSIONER  Telephone No. 82-42-481-5131	
---	--	---

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, paragraph 296).

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments ?

**Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

**\* Attention**

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => Patent Search => PCT-Service

ID : PCT international application number

PW : TULJ8UZ6

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1064

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

MURAFF JAMES P.

NEAL, GERBER & EISENBERG LLP TWO NORTH  
LASALLE STREET SUITE 1700 CHICAGO IL 60602 USA

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) 29 SEPTEMBER 2009 (29.09.2009)

Applicant's or agent's file reference  
19592.02WO2

**FOR FURTHER ACTION**

See paragraph 2 below

International application No. <b>PCT/US2009/039970</b>	International filing date (day/month/year) <b>08 APRIL 2009 (08.04.2009)</b>	Priority date(day/month/year) 08 APRIL 2008 (08.04.2008)
---	---	---

International Patent Classification (IPC) or both national classification and IPC

*G06Q 50/00(2006.01)i*

Applicant

**RESTAURANT TECHNOLOGY, INC. et al**

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

 <p>Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140</p>	Date of completion of this opinion 29 SEPTEMBER 2009 (29.09.2009)	Authorized officer KIM, Il Hwan Telephone No.82-42-481-5780
		

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/039970

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of :
  - the international application in the language in which it was filed
  - a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2.  This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
  - a. type of material
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material
    - on paper
    - in electronic form
  - c. time of filing/furnishing
    - contained in the international application as filed.
    - filed together with the international application in electronic form.
    - furnished subsequently to this Authority for the purposes of search.
4.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2009/039970**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-22	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-22	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims	None	NO

**2. Citations and explanations :**

Reference is made to the following documents:

- D1: US 2005-0021407 A1 ( James B, KARGMAN et al. ) 27 January 2005
- D2: US 2003-0182209 A1 ( Li Ge, PROSPECT, KY et al. ) 25 September 2003
- D3: WO 2007-114906 A3 ( YAHOO INC. ) 11 October 2007
- D4: KR 10-2007-0117116 A (SAMSUNG ELECTRONICS CO., LTD. ) 12 December 2007

**1. Novelty and Inventive Step**

*1.1 Claims 1-14*

The subject matter of claim 1 differs from the prior art documents D1 to D4 in that claim 1 discloses a method for presenting restaurant items for ordering through a customer ordering kiosk having a display and a processor, the method comprising the step of displaying on the kiosk display a second restaurant item selector comprising the same restaurant item background pattern. And the method comprising a presenting restaurant item 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 2-14 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

*1.2 Claims 15-22*

The subject matter of claim 15 differs from the prior art documents D1 to D4 in that claim 15 discloses a system of presenting restaurant items for ordering comprising a second restaurant item selector. And, the second restaurant item selector is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 15 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 16-22 are dependent on claim 15 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**2. Industrial Applicability**

Claims 1-22 are industrially applicable under PCT Article 33(4).

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 19592.02WO2	<b>FOR FURTHER ACTION</b>		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. <b>PCT/US2009/039970</b>	International filing date ( <i>day/month/year</i> ) <b>08 APRIL 2009 (08.04.2009)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) <b>08 APRIL 2008 (08.04.2008)</b>	
Applicant <b>RESTAURANT TECHNOLOGY, INC. 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. 3

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/US2009/039970**A. CLASSIFICATION OF SUBJECT MATTER***G06Q 50/00(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC8: G06F 17/60, G06F 3/048, G06Q 50/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
Korean utility models and applications for utility models 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)  
e-KOMPASS (KIPO internal) & keyword : restaurant, food, item, list, category, select, background**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2005-0021407 A1 ( James B, Kargman et al. ) 27 January 2005. See abstract, figures 2-3, paragraphs [0016]-[0036], claims 6-19	1-22
A	US 2003-0182209 A1 ( Li Ge, PROSPECT, KY et al. ) 25 September 2003 See abstract, figures 7-9, paragraphs [0040]-[0041], claim 1	1-22
A	WO 2007-114906 A3 ( YAHOO INC. ) 11 October 2007 See abstract, figure 4A, pages 2-3, claims 1-3	1-22
A	KR 10-2007-0117116 A (SAMSUNG ELECTRONICS CO., LTD. ) 12 December 2007 See abstract, figures 3-4, pages 4-5, claims 1-5	1-22

 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

29 SEPTEMBER 2009 (29.09.2009)

Date of mailing of the international search report

29 SEPTEMBER 2009 (29.09.2009)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

KIM, Il Hwan

Telephone No. 82-42-481-5780



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2009/039970**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2005-021407 A1	27.01.2005	US 2005-021407	27.01.2005
US 2003-182209 A1	25.09.2003	US 2003-182209 A1	25.09.2003
WO 2007-114906 A3	29.11.2007	CN 101410782 A	15.04.2009
		EP 1929398 A2	11.06.2008
		KR 10-2008-0109906 A	17.12.2008
		US 2007-0233377 A1	04.10.2007
		WO 2007-114906 A2	11.10.2007
		WO 2007-114906 A3	11.10.2007
KR 10-2007-0117116 A	12.12.2007	None	

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 19592.02WO2	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/US2009/039970	International filing date ( <i>day/month/year</i> ) 08 April 2009 (08.04.2009)	Priority date ( <i>day/month/year</i> ) 08 April 2008 (08.04.2008)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant RESTAURANT TECHNOLOGY, INC.			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i>.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44<i>bis</i>.3(c) and 93<i>bis</i>.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44<i>bis</i>.2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																						
<input type="checkbox"/>	Box No. II	Priority																						
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																						
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																						
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																						
<input type="checkbox"/>	Box No. VI	Certain documents cited																						
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																						
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

<p align="center">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 12 October 2010 (12.10.2010)</p>
	<p>Authorized officer</p> <p align="center"><b>Simin Baharlou</b></p> <p>e-mail: pt09.pct@wipo.int</p>

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
MURAFF JAMES P.  
  
NEAL, GERBER & EISENBERG LLP TWO NORTH  
LASALLE STREET SUITE 1700 CHICAGO IL 60602 USA

**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**  
  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **29 SEPTEMBER 2009 (29.09.2009)**

Applicant's or agent's file reference  
19592.02WO2

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No. <b>PCT/US2009/039970</b>	International filing date (day/month/year) <b>08 APRIL 2009 (08.04.2009)</b>	Priority date(day/month/year) 08 APRIL 2008 (08.04.2008)
---	---	---

International Patent Classification (IPC) or both national classification and IPC

**G06Q 50/00(2006.01)i**

Applicant

**RESTAURANT TECHNOLOGY, INC. et al**

1. This opinion contains indications relating to the following items:
- Box No. I Basis of the opinion
  - Box No. II Priority
  - Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - Box No. IV Lack of unity of invention
  - Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - Box No. VI Certain documents cited
  - Box No. VII Certain defects in the international application
  - Box No. VIII Certain observations on the international application
2. **FURTHER ACTION**
- If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.
- If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.
3. For further details, see notes to Form PCT/ISA/220.

 <p>Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140</p>	Date of completion of this opinion 29 SEPTEMBER 2009 (29.09.2009)	Authorized officer KIM, Il Hwan Telephone No.82-42-481-5780
		

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2009/039970

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
  - the international application in the language in which it was filed
  - a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2.  This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
  - a. type of material
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material
    - on paper
    - in electronic form
  - c. time of filing/furnishing
    - contained in the international application as filed.
    - filed together with the international application in electronic form.
    - furnished subsequently to this Authority for the purposes of search.
4.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2009/039970**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-22	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-22	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims	None	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 2005-0021407 A1 ( James B, KARGMAN et al. ) 27 January 2005

D2: US 2003-0182209 A1 ( Li Ge, PROSPECT, KY et al. ) 25 September 2003

D3: WO 2007-114906 A3 ( YAHOO INC. ) 11 October 2007

D4: KR 10-2007-0117116 A ( SAMSUNG ELECTRONICS CO., LTD. ) 12 December 2007

**1. Novelty and Inventive Step**

*1.1 Claims 1-14*

The subject matter of claim 1 differs from the prior art documents D1 to D4 in that claim 1 discloses a method for presenting restaurant items for ordering through a customer ordering kiosk having a display and a processor, the method comprising the step of displaying on the kiosk display a second restaurant item selector comprising the same restaurant item background pattern. And the method comprising a presenting restaurant item 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 2-14 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

*1.2 Claims 15-22*

The subject matter of claim 15 differs from the prior art documents D1 to D4 in that claim 15 discloses a system of presenting restaurant items for ordering comprising a second restaurant item selector. And, the second restaurant item selector is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 15 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 16-22 are dependent on claim 15 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**2. Industrial Applicability**

Claims 1-22 are industrially applicable under PCT Article 33(4).

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Roger D. Carroll et al.	Examiner: Olusegun Goyea
Application Number: 12/420,735	Art Unit: 3687
Filing Date: April 8, 2009	Confirmation No. 3055
Title: SYSTEM AND METHOD FOR ENHANCED CUSTOMER KIOSK ORDERING	Attorney Docket No.: 19592.02US2

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Prior to examination of the above-identified application, please amend the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 9 of this paper.

**Certificate of Electronic Transmission Under 37 CFR §1.8:** I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office using the EFS-Web System on December 11, 2010.

By: /Marianne A. Hall/  
Marianne A. Hall

**Amendments to the Claims**

Please amend the claims as follows:

What is claimed is:

1. (Original) A method for presenting restaurant items for ordering through a customer ordering kiosk having a kiosk display and a kiosk processor, the method comprising the steps of:

displaying on the kiosk display a first restaurant item category selector within a first ordering interface screen, wherein the first restaurant item category comprises a first background indicia pattern;

displaying on the kiosk display a second restaurant item category selector within the first ordering interface screen, wherein the second restaurant item category selector comprises a second background indicia pattern that is visually different from the first indicia pattern;

displaying on the kiosk display a third restaurant item category selector within the first ordering interface screen, wherein the third restaurant item category selector comprises a third background indicia pattern;

receiving at the kiosk processor a selection signal from a kiosk input device representing that one of the first, second, and third restaurant item category selectors has been selected;

displaying on the kiosk display a first restaurant item selector comprising a restaurant item background pattern that matches the one of the first, second and third background indicia patterns of the respective selected first, second, and third restaurant item category selectors; and,

displaying on the kiosk display a second restaurant item selector comprising the same restaurant item background pattern that matches the one of the first, second and third background

indicia patterns of the respective selected first, second, and third restaurant item category selectors.

2. (Original) The method of claim 1, after receiving at the kiosk processor a selection signal from the kiosk input device representing that one of the first, second, and third restaurant item category selectors has been selected, further comprising the step of:

displaying on the kiosk display a first restaurant item subcategory selector associated with the selected restaurant item category selector, the first restaurant item subcategory selector comprising a background indicia pattern that matches the one of the first, second and third background indicia patterns of the respective selected first, second, and third restaurant item category selectors.

3. (Original) The method of claim 2 further comprising the step of:

displaying on the kiosk display the first and second restaurant item selectors within a first restaurant item subcategory interface region that is associated with the a first restaurant item subcategory selector, wherein the first restaurant item subcategory interface region appears on the kiosk display within the first ordering interface screen when the first restaurant item subcategory selector is selected, wherein the first restaurant item subcategory interface region comprises a background indicia pattern that also matches the one of the first, second and third background indicia patterns of the respective selected first, second, and third restaurant item category selectors.

4. (Original) The method of claim 2 further comprising the step of:

displaying on the kiosk display a second restaurant item subcategory selector associated with the selected restaurant item category selector, the second restaurant item subcategory selector comprising a background indicia pattern that also matches the one of the first, second and third background indicia patterns of the respective selected first, second, and third restaurant item category selectors.

5. (Original) The method of claim 1 wherein the first and second restaurant item selectors for the selected restaurant item category selector are displayed on the kiosk display within the first ordering interface screen.

6. (Original) The method of claim 1 wherein the first and second restaurant item selectors for the selected restaurant item category selector are displayed on the kiosk display within a second ordering interface screen that overlays at least a portion of the first ordering interface screen.

7. (Original) The method of claim 1 wherein the third background indicia pattern is different from the first and second background indicia patterns.

8. (Original) The method of claim 1 wherein the first and second indicia patterns are solid colors.

9. (Original) The method of claim 1 wherein the first and second indicia patterns each comprise a different design having more than one color.

10. (Original) The method of claim 1 further comprising the step of:

displaying on the kiosk display first and second restaurant item subcategory selectors associated with the selected restaurant item category selector.

11. (Original) The method of claim 1 wherein the first restaurant item category selector is selected from a group consisting of: specials; value meals and sandwiches; kids meals; salads; snacks, fries and sides; desserts; coffee; drinks; and low price menu.

12. (Original) The method of claim 1 wherein restaurant item subcategory selector is selected from a group consisting of burgers; chicken; fish; and vegetarian.

13. (Original) The method of claim 1 wherein the first ordering interface screen is generated by the kiosk processor within the kiosk display of a first of a plurality of kiosks, each of which are in communication with a kiosk server through a communication network, and wherein the first kiosk receives a first ordering interface screen communication from the kiosk server for the kiosk processor to generate the first ordering interface screen within the kiosk display of the first kiosk.

14. (Original) The method of claim 13 wherein the kiosk server is in communication through a communication network with a POS terminal server, which is further in communication through the communication network with an order generation system.

15. (Original) A system for presenting restaurant items for ordering comprising:  
a customer order taking application configured to generate customer order taking screens for ordering restaurant items;

a processor for executing the customer order taking application;

a memory for storing the customer order taking application;

a display for displaying customer order taking screens generated by the customer order taking application;

a customer input receiver for receiving selection signals;

wherein the customer order taking application is further configured to display a first restaurant item category selector within a first ordering interface screen, and wherein the first restaurant item category comprises a first background indicia pattern;

wherein the customer order taking application is further configured to display a second restaurant item category selector within the first ordering interface screen, wherein the second restaurant item category selector comprises a second background indicia pattern that is visually different from the first indicia pattern;

wherein the customer order taking application is further configured to display a third restaurant item category selector within the first ordering interface screen, wherein the third restaurant item category selector comprises a third background indicia pattern;

wherein the customer order taking application is further configured to receive a selection signal representing that one of the first, second, and third restaurant item category selectors has been selected;

wherein the customer order taking application is further configured to display a first restaurant item selector comprising a restaurant item background pattern that matches the one of

the first, second and third background indicia patterns of the respective selected first, second, and third restaurant item category selectors; and

wherein the customer order taking application is further configured to display a second restaurant item selector comprising the same restaurant item background pattern that matches the one of the first, second and third background indicia patterns of the respective selected first, second, and third restaurant item category selectors.

16. (Original) The system of claim 15 wherein the customer input receiver is a touch screen display wherein the customer can input selections by touching the touch screen display.

17. (Original) The system of claim 15 further comprising a credit card reader for receiving payments via at least one of credit cards, debit cards and gift cards.

18. (Original) The system of claim 15 further comprising a receipt dispenser for printing and dispensing a receipt to the customer upon completion of an order.

19. (Original) The system of claim 15 wherein the first and second indicia patterns are solid colors.

20. (Original) The system of claim 15 wherein the processor, memory and display are housed within an independent customer kiosk.

21. (Original) The system of claim 20 further comprising a kiosk server, POS terminal server and order generation system wherein the kiosk server can communicate with the customer kiosk and the POS terminal server.

*U.S. Application No. 12/420,735*  
*Preliminary Amendment*  
*Docket No. 19592.02US2*

*Examiner: Olusegun Goyea*  
*Art Unit: 3687*

22. (Original) The system of claim 21 wherein the POS terminal server can communicate with the order generation system.

23. (Cancelled)

U.S. Application No. 12/420,735  
Preliminary Amendment  
Docket No. 19592.02US2

Examiner: Olusegun Goyea  
Art Unit: 3687

**REMARKS**

Applicants have cancelled claim 23. No new matter has been added as a result of these amendments. It is requested that these amendments be entered prior to examination of this application. Applicants respectfully submit that all of the pending claims are in condition for allowance and seek early notification thereof.

Applicants believe no fees are required for this amendment. However, the Commissioner is authorized to charge any fee deficiencies, and credit any overpayments, to Deposit Account No. 502,261.

Respectfully submitted,

Dated: December 11, 2010

By: /James P. Muraff /

James P. Muraff, Reg. No. 39,785  
NEAL, GERBER & EISENBERG  
Two North LaSalle Street, Suite 1700  
Chicago, Illinois 60602  
(312) 269-8000 telephone  
(312) 269-1747 facsimile  
patents@ngelaw.com email

NGEDOCs: 1755654.1



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.
12/420,735	04/08/2009	Roger D. Carroll	19592.02US2	3055
25541	7590	06/07/2011	EXAMINER	
PATENT ADMINISTRATOR			GOYEA, OLUSEGUN	
NEAL, GERBER, & EISENBERG			ART UNIT	PAPER NUMBER
SUITE 1700			3687	
2 NORTH LASALLE STREET			NOTIFICATION DATE	DELIVERY MODE
CHICAGO, IL 60602			06/07/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@ngelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 06 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

PATENT ADMINISTRATOR  
NEAL, GERBER, & EISENBERG  
SUITE 1700  
2 NORTH LASALLE STREET  
CHICAGO IL 60602

In re application of: : **DECISION ON REQUEST TO**  
CARROLL, Roger D., et al. : **PARTICIPATE IN PATENT**  
Application No.: 12/420,735 : **PROSECUTION HIGHWAY**  
Filed: April 8, 2009 : **PROGRAM AND PETITION**  
For: SYSTEM AND METHOD FOR : **TO MAKE SPECIAL UNDER**  
ENHANCED CUSTOMER KIOSK : **37 C.F.R. 1.102(d)**  
ORDERING

This is a decision on the request filed December 11, 2010 to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

(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 requirements:

(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) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, 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. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim 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 is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(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 file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn

for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the 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. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. 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.

(8) 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.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S.

application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

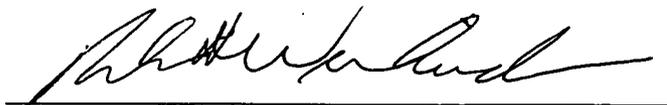
(10) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy."

In light of the petition and supporting documents filed December 11, 2010, the request to participate in the PPH program complies with the above requirements and the above identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



---

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/6/5/11



UNITED STATES 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)

JEROME D. JACKSON (JACKSON PATENT LAW OFFICE)  
211 N. UNION STREET, SUITE 100  
ALEXANDRIA VA 22314

**MAILED**

**MAY 23 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Joseph R. Randazza et al.	:	
Application No. 12/420,753	:	DECISION ON PETITION
Filed: April 8, 2009	:	TO WITHDRAW
Attorney Docket No. <b>191.003-U</b>	:	FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed May 10, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' by Customer Number when the power of attorney was originally granted individually in the Declaration and Power of Attorney for Patent Application English Language Declaration filed July 23, 2009.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



UNITED STATES 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)

JEROME D. JACKSON (JACKSON PATENT LAW OFFICE)  
211 N. UNION STREET, SUITE 100  
ALEXANDRIA VA 22314

**MAILED**

JUN 06 2011

In re Application of	:	OFFICE OF PETITIONS
Joseph R. Randazza et al.	:	DECISION ON PETITION
Application No. 12/420,753	:	TO WITHDRAW
Filed: April 8, 2009	:	FROM RECORD
Attorney Docket No. 191.003-U	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 27, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

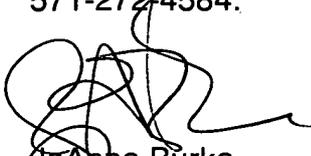
The request was signed by Jerome D. Jackson on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified application 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 Joseph Randazza at the address list listed in the request.

There is an outstanding Office action mailed March 14, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.



JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Joseph R. Randazza  
National Payment Card  
4171 W. Hillsboro Blvd, Suite 5  
Coconut Creek, FL 33073



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
12/420,753	04/08/2009	JOSEPH R. RANDAZZA	191.003-U

38245  
JEROME D. JACKSON (JACKSON PATENT LAW OFFICE)  
211 N. UNION STREET, SUITE 100  
ALEXANDRIA, VA 22314

**CONFIRMATION NO. 3091**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 06/06/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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:	12/420,758	Filing date:	April 8, 2009
First Named Inventor:	Roger D. Carroll		

Title of the Invention: **SYSTEM AND METHOD FOR ENHANCED CUSTOMER KIOSK ORDERING**

**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/EFS\\_HELP.HTML](http://www.uspto.gov/efsc/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US09/39975

**The international date of the corresponding PCT application(s) is/are:** April 8, 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.**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Roger D. Carroll

Examiner: Denisse Y Ortiz Roman

Application Number: 12/420,758

Art Unit: 3627

Filing Date: April 8, 200

Confirmation No. 3100

Title: SYSTEM AND METHOD FOR  
ENHANCED CUSTOMER KIOSK  
ORDERING

Attorney Docket No.: 19592.02US6

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Prior to examination of the above-identified application, please amend the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 7 of this paper.

**Certificate of Electronic Transmission Under 37 CFR §1.8:** I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office using the EFS-Web System on December 13, 2010.

By: /Marianne A. Hall/  
Marianne A. Hall

### **Amendments to the Claims**

Please amend the claims as follows:

What is claimed is:

1. (Currently Amended) A method of efficiently facilitating the selection and purchase of a restaurant item using a customer ordering kiosk having a kiosk display and a kiosk processor, the method comprising:

displaying a set of restaurant items available for purchase on a first ordering interface screen on the kiosk display;

receiving at the kiosk processor a triggering signal from the first ordering interface screen on the kiosk display;

displaying on the kiosk display an overlay interface screen; and

preventing the first ordering interface screen on the kiosk display from receiving any input from a customer while the overlay interface screen is displayed on the kiosk display; and

changing the visual appearance of the first ordering interface screen on the kiosk display when the overlay interface screen is displayed.

2. (Cancelled)

3. (Currently Amended) The method of claim 2 1 wherein the change in visual appearance comprises darkening the first ordering interface screen.

4. (Currently Amended) The method of claim 2 1 wherein the change in visual appearance comprises transitioning the first ordering interface screen from full color scale to grayscale.

5. (Original) The method of claim 1 wherein the triggering signal represents to the kiosk processor that a restaurant item has been selected.

6. (Original) The method of claim 5 wherein the kiosk processor transmits to the kiosk display an option to customize at least one aspect of the selected restaurant item within the interface screen.
7. (Original) The method of claim 1 wherein the triggering signal represents to the kiosk processor that customization of a selected restaurant item has been completed.
8. (Original) The method of claim 7 wherein the option to customize at least one aspect comprises at least one of reducing or increasing at least one of ingredients, toppings, sides, quantity, dietary options, size, sauce and salad dressing.
9. (Original) The method of claim 8 wherein the kiosk processor transmits to the kiosk display an option to create a meal including the selected restaurant item within the overlay interface screen.
10. (Original) The method of claim 1 wherein the triggering signal represents to the kiosk processor that the customer has finished selecting restaurant items.
11. (Original) The method of claim 10 wherein the kiosk processor transmits to the kiosk display an option to continue selecting restaurant items or begin a process to pay for the selected restaurant items within the overlay interface screen.
12. (Original) The method of claim 1 wherein the kiosk processor determines that a predetermined amount of time has passed without any input signals being received by the kiosk display through the first ordering interface screen of the kiosk display.
13. (Original) The method of claim 12 wherein the kiosk processor transmits to the kiosk display an option to cancel all selected restaurant items and start the ordering process over or to continue with restaurant item selection within the overlay interface screen.

14. (Original) The method of claim 1 wherein the set of restaurant items is selected from a group consisting of: breakfast items, lunch items and dinner items.
15. (Original) The method of claim 1 wherein the kiosk processor transmits to the kiosk display the overlay interface screen which appears on the kiosk display as overlaying the entire first ordering interface screen.
16. (Original) The method of claim 1 wherein the kiosk processor transmits to the kiosk display the overlay interface screen which appears on the kiosk display as overlaying only a portion of the first ordering interface screen.
17. (Original) The method of claim 1 wherein the overlay interface screen is one of the group comprising customization, meal creation, payment and timeout.
18. (Original) The method of claim 1 wherein the first ordering interface screen includes restaurant item category selectors.
19. (Original) The method of claim 18 wherein the customer can access all available restaurant item categories through the restaurant item category selectors when the overlay interface screen is not being displayed on the kiosk display.
20. (Original) The method of claim 18 wherein all non-overlay and non-payment interface screens include restaurant item category selectors.
21. (Currently Amended) A system for presenting restaurant items for ordering comprising:
  - a customer order taking application configured to generate customer order taking screens for ordering restaurant items;
  - a processor for executing the customer order taking application;
  - a memory for storing the customer order taking application;

a display for displaying customer order taking screens generated by the customer order taking application;

a customer input receiver for receiving selection signals;

wherein the customer order taking application is further configured to display a set of restaurant items available for purchase on a first ordering interface screen;

wherein the customer order taking application is further configured to receive a triggering signal;

wherein the customer order taking application is further configured to display an overlay interface screen; and

wherein the customer order taking application is further configured to prevent the first ordering interface screen from receiving any input from a customer while the overlay interface screen is displayed; and

wherein the customer order taking application is further configured to change the visual appearance of the first ordering interface screen when the overlay interface screen is displayed.

22. (Original) The system of claim 21 wherein the customer input receiver is a touch screen display wherein the customer can input selections by touching the touch screen display.

23. (Original) The system of claim 21 further comprising a credit card reader for receiving payments via at least one of credit cards, debit cards and gift cards.

24. (Original) The system of claim 21 further comprising a receipt dispenser for printing and dispensing a receipt to the customer upon completion of an order.

25. (Cancelled)

26. (Original) The system of claim 21 wherein the processor, memory and display are housed within an independent customer kiosk.

27. (Original) The system of claim 26 further comprising a kiosk server, POS terminal server and order generation system wherein the kiosk server can communicate with the customer kiosk and the POS terminal server.

28. (Original) The system of claim 27 wherein the POS terminal server can communicate with the order generation system.

U.S. Application No. 12/420,758  
Preliminary Amendment  
Docket No. 19592.02US6

Examiner: *Denisse Y Ortiz Roman*  
Art Unit: 3627

**REMARKS**

Applicants have amended claims 1 and 21, and cancelled claims 2 and 25. No new matter has been added as a result of these amendments. It is requested that these amendments be entered prior to examination of this application. Applicants respectfully submit that all of the pending claims are in condition for allowance and seek early notification thereof.

Applicants believe no fees are required for this amendment. However, the Commissioner is authorized to charge any fee deficiencies, and credit any overpayments, to Deposit Account No. 502,261.

Respectfully submitted,

Dated: December 13, 2010

By: /James P. Muraff/

James P. Muraff, Reg. No. 39,785  
NEAL, GERBER & EISENBERG  
Two North LaSalle Street, Suite 1700  
Chicago, Illinois 60602  
(312) 269-8000 telephone  
(312) 269-1747 facsimile  
[patents@ngelaw.com](mailto:patents@ngelaw.com) email

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: MURAFF JAMES P.  NEAL, GERBER & EISENBERG LLP TWO NORTH LASALLE STREET SUITE 1700 CHICAGO IL 60602 USA
--

**PCT**

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing (day/month/year) 01 DECEMBER 2009 (01.12.2009)
---

Applicant's or agent's file reference 19592.02WO6
--

<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
--

International application No. <b>PCT/US2009/039975</b>
---

International filing date (day/month/year) <b>08 APRIL 2009 (08.04.2009)</b>
--

Applicant

**RESTAURANT TECHNOLOGY, INC. et al****RECEIVED**

DEC 07 2009

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 transmission of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

For more detailed instructions, see the notes on the accompanying sheet.

**RECEIVED  
DOCKET**

DEC 08 2009

By: NEAL, GERBER &amp; EISENBERG

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3.  With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/KR

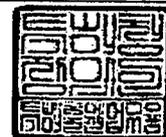
 Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-5131



## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, paragraph 296).

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments ?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

**The following examples illustrate the manner in which amendments must be explained in the accompanying letter:**

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### **Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the proceduer before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### **Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

**\* Attention**

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => Patent Search => PCT-Service

ID : PCT international application number

PW : **PJ3LL6RG**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
MURAFF JAMES P.  
  
NEAL, GERBER & EISENBERG LLP TWO NORTH  
LASALLE STREET SUITE 1700 CHICAGO IL 60602 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **01 DECEMBER 2009 (01.12.2009)**

Applicant's or agent's file reference  
19592.02WO6

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.	International filing date (day/month/year)	Priority date(day/month/year)
<b>PCT/US2009/039975</b>	<b>08 APRIL 2009 (08.04.2009)</b>	08 APRIL 2008 (08.04.2008)

International Patent Classification (IPC) or both national classification and IPC

**G06Q 30/00(2006.01); G07F 7/00(2006.01); G06F 3/00(2006.01); G06Q 50/00(2006.01);**

Applicant

**RESTAURANT TECHNOLOGY, INC. et al**

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

 <p>Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140</p>	<p>Date of completion of this opinion 27 NOVEMBER 2009 (27.11.2009)</p>	<p>Authorized officer YU, Jin Tae  Telephone No.82-42-481-8542</p> 
---	---	--

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2009/039975**

**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/US2009/039975**

**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	1-28	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	NONE	YES
	Claims	1-28	NO
Industrial applicability (IA)	Claims	1-28	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 2004/0158499 A1 (DEV, R. H. et al.) 12 August 2004  
D2: US 5262938 A (RAPOPORT, L. D. et al.) 16 November 1993

**1. Novelty and Inventive Step**

*1.1 Claims 1-20*

D1, which is considered to be the closest prior art to the subject matter of independent claim 1, discloses a method of displaying a menu, comprising: displaying a first level of item types in a first zone, receiving a first input from a user, displaying a second level of sub item types in a second zone, receiving a second input from a user, and displaying a third level of items from the second sub item type while maintaining view-ability of the first and second zones. The subject matter of claim 1 differs from D1 in that the subject matter of claim 1 receives a triggering signal from the first ordering interface, displays an overlay interface screen, and prevents the first ordering interface screen from receiving any input. However, D2 discloses a method for routing food orders using an overlay interface (see figs. 10-16). It would be obvious to a person skilled in the art to apply the features of D2 to a method of D1 to arrive at the method of claim 1. Thus, claim 1 does not involve an inventive step under PCT Article 33(3).

The additional features of claims 2-6, 10-13, and 15-17 are considered to be a minor difference of routing food orders using an overlay interface as described in D2. Thus, claims 2-6, 10-13, and 15-17 do not involve an inventive step under PCT Article 33(3).

The additional features of claims 7-9 are considered to be a minor difference of customizing an item with any available toppings or options as described in D1. Thus, claims 7-9 do not involve an inventive step under PCT Article 33(3).

The additional feature of claim 14 is merely one of several straightforward possibilities from which a skilled person would select, in accordance with circumstances, without the exercise of inventive skill. Therefore, claim 14 lacks an inventive step under PCT Article 33(3).

The additional features of claims 18-20 are considered to be a minor difference of displaying categories of items which are represented by icons as described in D1. Thus, claims 18-20 do not involve an inventive step under PCT Article 33(3).

(Continued on the Supplemental Sheet.)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/039975

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.  
Continuation of :

Box V.

*1.2 Claims 21-28*

D1, which is considered to be the closest prior art to the subject matter of independent claim 21, discloses an apparatus for a customizable item, comprising: an enclosure, a data input device, a storage device, a video display terminal, and program configured to display multiple levels of items. The subject matter of claim 21 differs from D1 in that the subject matter of claim 21 receives a triggering signal from the first ordering interface, displays an overlay interface screen, and prevents the first ordering interface screen from receiving any input. However, D2 discloses a system for routing food orders using an overlay interface (see figs. 10-16). It would be obvious to a person skilled in the art to apply the features of D2 to an apparatus of D1 to arrive at the system of claim 21. Thus, claim 21 does not involve an inventive step under PCT Article 33(3).

The touch screen display of claim 22 is identical to the touch screen as described in D1(see fig. 3). Thus, claim 22 does not involve an inventive step under PCT Article 33(3).

The credit card reader of claim 23 is identical to the credit, debit, or loyalty card reader as described in D1(see fig. 3). Thus, claim 23 does not involve an inventive step under PCT Article 33(3).

The receipt dispenser of claim 24 is identical to the receipt printer as described in D1(see fig. 3). Thus, claim 24 does not involve an inventive step under PCT Article 33(3).

The additional feature of claim 25 is considered to be a minor difference of routing food orders using an overlay interface as described in D2. Thus, claim 25 does not involve an inventive step under PCT Article 33(3).

The additional features of claims 26-28 are merely one of several straightforward possibilities from which a skilled person would select, in accordance with circumstances, without the exercise of inventive skill. Therefore, claims 26-28 lack an inventive step under PCT Article 33(3).

**2. Industrial Applicability**

Claims 1-28 are industrially applicable under PCT Article 33(4).

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 19592.02WO6	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2009/039975</b>	International filing date ( <i>day/month/year</i> ) <b>08 APRIL 2009 (08.04.2009)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) <b>08 APRIL 2008 (08.04.2008)</b>
Applicant <b>RESTAURANT TECHNOLOGY, INC. 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. 3

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/US2009/039975****A. CLASSIFICATION OF SUBJECT MATTER***G06Q 30/00(2006.01)i, G07F 7/00(2006.01)i, G06F 3/00(2006.01)i, G06Q 50/00(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 8: G06Q 30/00, G06Q 50/00, G06Q 99/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean Utility models and applications for Utility Models 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: FOOD, ORDERING, KIOSK, and MENU

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2004/0158499 A1 (DEV, R. H. et al.) 12 August 2004 See the abstract; figure 7; paragraph [0051]-[0071]; claims 1-64.	1-28
Y	US 5262938 A (RAPOPORT, L. D. et al.) 16 November 1993 See the abstract; figures 10-16; column 6, line 17 - column 7, line 56; claims 1-15.	1-28
Y	US 2007/0265935 A1 (WOYCIK, T. E. et al.) 15 November 2007 See the abstract; figures 6-9; paragraph [0084]-[0092]; claims 1-39.	1-28
Y	US 2007/0088620 A1 (TENGLER, C. D. et al.) 19 April 2007 See the abstract; figure 9; paragraph [0053]-[0066]; claims 1-48.	1-28
Y	US 2004/0143512 A1 (STURR JR., P. E.) 22 July 2004 See the abstract; figure 16; paragraph [0027]-[0035]; claims 1-20.	1-28
Y	US 6208976 B1 (KINEBUCHI, T. et al.) 27 March 2001 See the abstract; figure 1; column 7, line 66 - column 10, line 65; claim 1.	1-28

 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

27 NOVEMBER 2009 (27.11.2009)

Date of mailing of the international search report

**01 DECEMBER 2009 (01.12.2009)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

YU, Jin Tae

Telephone No. 82-42-481-8542



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2009/039975**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2004-0158499 A1	12.08.2004	US 2007-0185776 A1	09.08.2007
		US 06940393 B2	06.09.2005
		US 2004-0035643 A1	26.02.2004
		US 2004-0054587 A1	18.03.2004
		US 2006-0006025 A1	12.01.2006
		US 2007-0073586 A1	29.03.2007
US 5262938 A	16.11.1993	None	
US 2007-0265935 A1	15.11.2007	None	
US 2007-0088620 A1	19.04.2007	CA 2479455 A1	28.02.2005
		EP 1668583 A2	14.06.2006
		US 07110964 B2	19.09.2006
		US 2005-0049921 A1	03.03.2005
		US 2005-0049940 A1	03.03.2005
		WO 2005-024564 A2	17.03.2005
		WO 2005-024565 A2	17.03.2005
		WO 2005-024564 A3	17.03.2005
WO 2005-024565 A3	17.03.2005		
US 2004-0143512 A1	22.07.2004	None	
US 06208976 B1	27.03.2001	DE 69610259 T2	01.03.2001
		DE 69610259 D1	19.10.2000
		DE 69610582 T2	31.05.2001
		DE 69610582 D1	16.11.2000
		EP 0749080 A3	22.10.1997
		EP 0749079 A3	29.10.1997
		EP 0749079 A2	18.12.1996
		EP 0749080 B1	13.09.2000
		EP 0749080 A2	18.12.1996
		EP 0749079 B1	11.10.2000
		JP 09-146755 A	06.06.1997
		JP 09-146756 A	06.06.1997
		US 05912743 A	15.06.1999

**PATENT COOPERATION TREATY  
IN THE KOREAN INTELLECTUAL PROPERTY OFFICE**

Identification of the International Application	Applicants Docket No. 19592.02WO6
International Application No. PCT/US09/39975	International Filing Date April 8, 2009
Applicant: Restaurant Technology, Inc.	
Title: SYSTEM AND METHOD FOR ENHANCED CUSTOMER KIOSK ORDERING	

**VIA FACSIMILE 011-82-42-472-7140  
AND OVERNIGHT COURIER**

Teukheocheong  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu  
Daejeon 302-701, Republic of Korea

**ARTICLE 34 AMENDMENT AND REPLY TO  
INTERNATIONAL SEARCHING AUTHORITY WRITTEN OPINION**

This Amendment and Response is submitted pursuant to PCT Rules 34 and 66.1(b) in response to the Written Opinion of the International Searching Authority mailed December 1, 2009. Applicant requests issuance of a further examination report from the International Preliminary Examining Authority in response to this Reply.

**AMENDMENT**

**In the Claims**

Submitted herewith are replacement pages 52-56, which replace originally filed pages 52-56.

**REMARKS**

In replacement pages 52-56 of the claims, Applicant has amended claims 1 and 21, and cancelled claims 2 and 25. No new claims and no new matter have been added. As a consequence of cancelling claims 2 and 25, Applicant has renumbered claims 3 – 24 and 26 – 28 as claims 2 – 26, and amended the dependencies of renumbered claims, accordingly.

**Written Opinion and Amended Claims**

In the Written Opinion, the Examiner stated that claims 1- 28 lack an inventive step under PCT Article 33(3), and in support of the cited references D1 (US 2004/0158499 to Dev, R. H. et al.) and D2 (US 5,262,938 A to Rapoport, I. D. et al.). Applicant respectfully traverses the rejection of claims 2 and 25 for lack of inventive step, and has amended claims 1 and 13 by generally incorporating the limitations of cancelled claims 2 and 25, respectively.

In relevant part, amended claim 1 recites “changing a visual appearance of the first ordering interface screen on the kiosk display when the overlay interface screen is displayed.” This is unlike D1 and D2, taken individually or in any combination with each other.

The Examiner acknowledges that D1 fails to disclose an overlay interface screen, but asserts that D2 discloses a method for routing food orders using an overlay interface and

points to Figures 10 – 16 for support. Applicant submits that D2 fails to teach or suggest that the first ordering interface screen undergoes a change in visual appearance on the kiosk display when the overlay screen is displayed. In fact, as seen in Figures 9 – 16, the Order Entry Screen of Figure 8 does not undergo a change in visual appearance when the overlay screens 88, 90, 92, 94, 100, 102, 104, and 106 of Figures 9 – 16, respectively, are overlaid over the Order Entry Screen of Figure 8. Moreover, nowhere does D2 disclose that the Order Entry Screen of Figure 8 undergoes a change in visual appearance when covered by any overlay screen, such as by darkening of the remaining visual portion of the Order Entry Screen. Thus, D2 fails to disclose or suggest changing a visual appearance of the first ordering interface screen on the kiosk display when the overlay interface screen is displayed, as required by claim 1.

Because D1 and D2, singly or in combination with each other, fail to teach or suggest each and every claimed element, claim 1 is novel and involves an inventive step. Because of their direct or indirect dependency on claim 1, each of claims 2 – 20 is also novel and involves an inventive step.

Independent claim 21, which recites the same distinguishable limitation as that of claim 1, is also novel and involves an inventive step. Because of their direct or indirect dependency on claim 1, each of claims 22 – 28 is also novel and involves an inventive step.

Article 34 Amendment And Reply To  
International Searching Authority Written Opinion  
Application No.: PCT/US09/39975  
Page 4

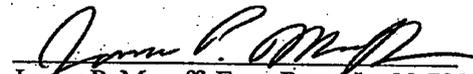
**Conclusion**

Based upon the foregoing, Applicant submits that the pending claims of the present invention, as amended, all novel and include an inventive step. Thus, a favorable examination report is respectfully requested.

If in the opinion of the Examiner a favorable IPER cannot be issued on the basis of the above claims and arguments, Applicant expressly requests issuance of an additional written opinion under Rule 66.4 and/or institution of a telephone interview under Rule 66.6. It is submitted that such additional communication, if needed, will facilitate the issuance of a favorable IPER, and provide efficiencies in subsequent regional and national phase examination.

Dated: February 26, 2010

By:

  
James P. Muraff, Esq., Reg. No. 39,785  
Kader S. Gacem, Reg. No. 52,474  
Neal Gerber & Eisenberg LLP  
Two North LaSalle Street – Suite 1700  
Chicago, IL 60602  
Telephone: 312-269-8000  
Email: [patents@ngelaw.com](mailto:patents@ngelaw.com)

## CLAIMS

What is claimed is:

1. (Currently Amended) A method of efficiently facilitating the selection and purchase of a restaurant item using a customer ordering kiosk having a kiosk display and a kiosk processor, the method comprising:
  - displaying a set of restaurant items available for purchase on a first ordering interface screen on the kiosk display;
  - receiving at the kiosk processor a triggering signal from the first ordering interface screen on the kiosk display;
  - displaying on the kiosk display an overlay interface screen;
  - preventing the first ordering interface screen on the kiosk display from receiving any input from a customer while the overlay interface screen is displayed on the kiosk display; and
  - changing the visual appearance of the first ordering interface screen on the kiosk display when the overlay interface screen is displayed.
2. (Cancelled)
3. (Original) The method of claim 2 wherein the change in visual appearance comprises darkening the first ordering interface screen.
4. (Original) The method of claim 2 wherein the change in visual appearance comprises transitioning the first ordering interface screen from full color scale to grayscale.
5. (Original) The method of claim 1 wherein the triggering signal represents to the kiosk processor that a restaurant item has been selected.

6. (Original) The method of claim 5 wherein the kiosk processor transmits to the kiosk display an option to customize at least one aspect of the selected restaurant item within the interface screen.
7. (Original) The method of claim 1 wherein the triggering signal represents to the kiosk processor that customization of a selected restaurant item has been completed.
8. (Original) The method of claim 7 wherein the option to customize at least one aspect comprises at least one of reducing or increasing at least one of ingredients, toppings, sides, quantity, dietary options, size, sauce and salad dressing.
9. (Original) The method of claim 8 wherein the kiosk processor transmits to the kiosk display an option to create a meal including the selected restaurant item within the overlay interface screen.
10. (Original) The method of claim 1 wherein the triggering signal represents to the kiosk processor that the customer has finished selecting restaurant items.
11. (Original) The method of claim 10 wherein the kiosk processor transmits to the kiosk display an option to continue selecting restaurant items or begin a process to pay for the selected restaurant items within the overlay interface screen.
12. (Original) The method of claim 1 wherein the kiosk processor determines that a predetermined amount of time has passed without any input signals being received by the kiosk display through the first ordering interface screen of the kiosk display.

13. (Original) The method of claim 12 wherein the kiosk processor transmits to the kiosk display an option to cancel all selected restaurant items and start the ordering process over or to continue with restaurant item selection within the overlay interface screen.
14. (Original) The method of claim 1 wherein the set of restaurant items is selected from a group consisting of: breakfast items, lunch items and dinner items.
15. (Original) The method of claim 1 wherein the kiosk processor transmits to the kiosk display the overlay interface screen which appears on the kiosk display as overlaying the entire first ordering interface screen.
16. (Original) The method of claim 1 wherein the kiosk processor transmits to the kiosk display the overlay interface screen which appears on the kiosk display as overlaying only a portion of the first ordering interface screen.
17. (Original) The method of claim 1 wherein the overlay interface screen is one of the group comprising customization, meal creation, payment and timeout.
18. (Original) The method of claim 1 wherein the first ordering interface screen includes restaurant item category selectors.
19. (Original) The method of claim 18 wherein the customer can access all available restaurant item categories through the restaurant item category selectors when the overlay interface screen is not being displayed on the kiosk display.
20. (Original) The method of claim 18 wherein all non-overlay and non-payment interface screens include restaurant item category selectors.

21. (Currently Amended) A system for presenting restaurant items for ordering comprising:

a customer order taking application configured to generate customer order taking screens for ordering restaurant items;

a processor for executing the customer order taking application;

a memory for storing the customer order taking application;

a display for displaying customer order taking screens generated by the customer order taking application;

a customer input receiver for receiving selection signals;

wherein the customer order taking application is further configured to display a set of restaurant items available for purchase on a first ordering interface screen;

wherein the customer order taking application is further configured to receive a triggering signal;

wherein the customer order taking application is further configured to display an overlay interface screen; and

wherein the customer order taking application is further configured to prevent the first ordering interface screen from receiving any input from a customer while the overlay interface screen is displayed; and

wherein the customer order taking application is further configured to change the visual appearance of the first ordering interface screen when the overlay interface screen is displayed.

22. (Original) The system of claim 21 wherein the customer input receiver is a touch screen display wherein the customer can input selections by touching the touch screen display.

Article 34 Amendment And Reply To  
International Searching Authority Written Opinion  
Application No.: PCT/US09/039975  
Amended Claims

23. (Original) The system of claim 21 further comprising a credit card reader for receiving payments via at least one of credit cards, debit cards and gift cards.
24. (Original) The system of claim 21 further comprising a receipt dispenser for printing and dispensing a receipt to the customer upon completion of an order.
25. (Cancelled)
26. (Original) The system of claim 21 wherein the processor, memory and display are housed within an independent customer kiosk.
27. (Original) The system of claim 26 further comprising a kiosk server, POS terminal server and order generation system wherein the kiosk server can communicate with the customer kiosk and the POS terminal server.
28. (Original) The system of claim 27 wherein the POS terminal server can communicate with the order generation system.

## CLAIMS

What is claimed is:

1. A method of efficiently facilitating the selection and purchase of a restaurant item using a customer ordering kiosk having a kiosk display and a kiosk processor, the method comprising:
  - displaying a set of restaurant items available for purchase on a first ordering interface screen on the kiosk display;
  - receiving at the kiosk processor a triggering signal from the first ordering interface screen on the kiosk display;
  - displaying on the kiosk display an overlay interface screen;
  - preventing the first ordering interface screen on the kiosk display from receiving any input from a customer while the overlay interface screen is displayed on the kiosk display; and
  - changing a visual appearance of the first ordering interface screen on the kiosk display when the overlay interface screen is displayed.
2. The method of claim 1 wherein the change in visual appearance comprises darkening the first ordering interface screen.
3. The method of claim 1 wherein the change in visual appearance comprises transitioning the first ordering interface screen from full color scale to grayscale.
4. The method of claim 1 wherein the triggering signal represents to the kiosk processor that a restaurant item has been selected.
5. The method of claim 4 wherein the kiosk processor transmits to the kiosk display an option to customize at least one aspect of the selected restaurant item within the interface screen.

6. The method of claim 1 wherein the triggering signal represents to the kiosk processor that customization of a selected restaurant item has been completed.
7. The method of claim 6 wherein the option to customize at least one aspect comprises at least one of reducing or increasing at least one of ingredients, toppings, sides, quantity, dietary options, size, sauce and salad dressing.
8. The method of claim 7 wherein the kiosk processor transmits to the kiosk display an option to create a meal including the selected restaurant item within the overlay interface screen.
9. The method of claim 1 wherein the triggering signal represents to the kiosk processor that the customer has finished selecting restaurant items.
10. The method of claim 9 wherein the kiosk processor transmits to the kiosk display an option to continue selecting restaurant items or begin a process to pay for the selected restaurant items within the overlay interface screen.
11. The method of claim 1 wherein the kiosk processor determines that a predetermined amount of time has passed without any input signals being received by the kiosk display through the first ordering interface screen of the kiosk display.
12. The method of claim 11 wherein the kiosk processor transmits to the kiosk display an option to cancel all selected restaurant items and start the ordering process over or to continue with restaurant item selection within the overlay interface screen.
13. The method of claim 1 wherein the set of restaurant items is selected from a group consisting of: breakfast items, lunch items and dinner items.

14. The method of claim 1 wherein the kiosk processor transmits to the kiosk display the overlay interface screen which appears on the kiosk display as overlaying the entire first ordering interface screen.

15. The method of claim 1 wherein the kiosk processor transmits to the kiosk display the overlay interface screen which appears on the kiosk display as overlaying only a portion of the first ordering interface screen.

16. The method of claim 1 wherein the overlay interface screen is one of the group comprising customization, meal creation, payment and timeout.

17. The method of claim 1 wherein the first ordering interface screen includes restaurant item category selectors.

18. The method of claim 17 wherein the customer can access all available restaurant item categories through the restaurant item category selectors when the overlay interface screen is not being displayed on the kiosk display.

19. The method of claim 17 wherein all non-overlay and non-payment interface screens include restaurant item category selectors.

20. A system for presenting restaurant items for ordering comprising:

a customer order taking application configured to generate customer order taking screens for ordering restaurant items;

a processor for executing the customer order taking application;

a memory for storing the customer order taking application;

a display for displaying customer order taking screens generated by the customer order taking application;

a customer input receiver for receiving selection signals;

wherein the customer order taking application is further configured to display a set of restaurant items available for purchase on a first ordering interface screen;

wherein the customer order taking application is further configured to receive a triggering signal;

wherein the customer order taking application is further configured to display an overlay interface screen; and

wherein the customer order taking application is further configured to prevent the first ordering interface screen from receiving any input from a customer while the overlay interface screen is displayed; and

wherein the customer order taking application is further configured to change the visual appearance of the first ordering interface screen when the overlay interface screen is displayed.

21. The system of claim 20 wherein the customer input receiver is a touch screen display wherein the customer can input selections by touching the touch screen display.

22. The system of claim 20 further comprising a credit card reader for receiving payments via at least one of credit cards, debit cards and gift cards.

23. The system of claim 20 further comprising a receipt dispenser for printing and dispensing a receipt to the customer upon completion of an order.

Article 34 Amendment And Reply To  
International Searching Authority Written Opinion  
Application No.: PCT/US09/039975  
Replacement Page

24. The system of claim 20 wherein the processor, memory and display are housed within an independent customer kiosk.

25. The system of claim 24 further comprising a kiosk server, POS terminal server and order generation system wherein the kiosk server can communicate with the customer kiosk and the POS terminal server.

26. The system of claim 25 wherein the POS terminal server can communicate with the order generation system.

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 19592.02WO6	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/US2009/039975</b>	International filing date( <i>day/month/year</i> ) <b>08 APRIL 2009 (08.04.2009)</b>	Priority date ( <i>day/month/year</i> ) 08 APRIL 2008 (08.04.2008)
International Patent Classification (IPC) or national classification and IPC  <b>G06Q 30/00(2006.01)i, G07F 7/00(2006.01)i, G06F 3/00(2006.01)i, G06Q 50/00(2006.01)i</b>		
Applicant  <b>RESTAURANT TECHNOLOGY, INC.</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
- a.  (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:
- sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b.  (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_ containing a sequence listing, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:
- Box No. I Basis of the report
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand  <b>26 FEBRUARY 2010 (26.02.2010)</b>	Date of completion of this report  20 AUGUST 2010 (20.08.2010)
Name and mailing address of the IPEA/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  YU, Jin Tae  Telephone No. 82-42-481-8542

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US2009/039975

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- the international application in the language in which it was filed.
- a translation of the international application into \_\_\_\_\_ which is the language of a translation furnished for the purposes of:
  - international search (under Rules 12.3(a) and 23.1(b)).
  - publication of the international application (under Rule 12.4(a)).
  - international preliminary examination (under Rules 55.2(a) and/or 55.3(a)).

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- the international application as originally filed/furnished
- the description:
  - pages 1-51 \_\_\_\_\_ as originally filed/furnished
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the claims:
  - pages \_\_\_\_\_ as originally filed/furnished
  - pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19
  - pages\* 52-56 \_\_\_\_\_ received by this Authority on 26/02/2010
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the drawings:
  - pages 1/39-39/39 \_\_\_\_\_ as originally filed/furnished
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
  - pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the sequence listing - see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages \_\_\_\_\_
- the claims, Nos. 27, 28 \_\_\_\_\_
- the drawings, sheets \_\_\_\_\_
- the sequence listing (specify): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

- the description, pages \_\_\_\_\_
- the claims, Nos. \_\_\_\_\_
- the drawings, sheets \_\_\_\_\_
- the sequence listing (specify): \_\_\_\_\_

5.  This report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

6.  This report has been established taking into consideration the arguments and/or comments of the applicant on the written opinion of the International Searching Authority, received by this Authority on 26/02/2010

7.  Supplementary international search report(s) from Authority(ies) \_\_\_\_\_ have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US2009/039975

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N)	Claims	<u>1-26</u>	YES
	Claims	<u>NONE</u>	NO
Inventive step (IS)	Claims	<u>1-26</u>	YES
	Claims	<u>NONE</u>	NO
Industrial applicability (IA)	Claims	<u>1-26</u>	YES
	Claims	<u>NONE</u>	NO

## 2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

- D1: US 2004/0158499 A1 (DEV, R. H. et al.) 12 August 2004  
 D2: US 5262938 A (RAPOPORT, L. D. et al.) 16 November 1993  
 D3: US 2007/0265935 A1 (WOYCIK, T. E. et al.) 15 November 2007  
 D4: US 2007/0088620 A1 (TENGLER, C. D. et al.) 19 April 2007  
 D5: US 2004/0143512 A1 (STURR JR., P. E.) 22 July 2004  
 D6: US 6208976 B1 (KINEBUCHI, T. et al.) 27 March 2001

**1. Novelty and Inventive Step***1.1 Independent Claims 1 and 20*

The subject matter of independent claims 1 and 20 differs from the prior art documents D1 to D6 in that claims 1 and 20 changes the visual appearance of the first ordering interface screen on the kiosk display when the overlay interface screen is displayed. And, it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claims 1 and 20 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

*1.2 Dependent Claims 2-19 and 21-26*

Claims 2-19 and 21-26 are dependent on claims 1 and 20, respectively, and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**2. Industrial Applicability**

Claims 1-26 are industrially applicable under PCT Article 33(4).

**CLAIMS**

What is claimed is:

1. A method of efficiently facilitating the selection and purchase of a restaurant item using a customer ordering kiosk having a kiosk display and a kiosk processor, the method comprising:
  - displaying a set of restaurant items available for purchase on a first ordering interface screen on the kiosk display;
  - receiving at the kiosk processor a triggering signal from the first ordering interface screen on the kiosk display;
  - displaying on the kiosk display an overlay interface screen;
  - preventing the first ordering interface screen on the kiosk display from receiving any input from a customer while the overlay interface screen is displayed on the kiosk display; and
  - changing a visual appearance of the first ordering interface screen on the kiosk display when the overlay interface screen is displayed.
2. The method of claim 1 wherein the change in visual appearance comprises darkening the first ordering interface screen.
3. The method of claim 1 wherein the change in visual appearance comprises transitioning the first ordering interface screen from full color scale to grayscale.
4. The method of claim 1 wherein the triggering signal represents to the kiosk processor that a restaurant item has been selected.
5. The method of claim 4 wherein the kiosk processor transmits to the kiosk display an option to customize at least one aspect of the selected restaurant item within the interface screen.

PCT/US 2009 / 0 3 9 9 7 5  
PFA/KR 2 6. 0 2. 2010.

Article 34 Amendment And Reply To  
International Searching Authority Written Opinion  
Application No.: PCT/US09/039975  
Replacement Page

6. The method of claim 1 wherein the triggering signal represents to the kiosk processor that customization of a selected restaurant item has been completed.
7. The method of claim 6 wherein the option to customize at least one aspect comprises at least one of reducing or increasing at least one of ingredients, toppings, sides, quantity, dietary options, size, sauce and salad dressing.
8. The method of claim 7 wherein the kiosk processor transmits to the kiosk display an option to create a meal including the selected restaurant item within the overlay interface screen.
9. The method of claim 1 wherein the triggering signal represents to the kiosk processor that the customer has finished selecting restaurant items.
10. The method of claim 9 wherein the kiosk processor transmits to the kiosk display an option to continue selecting restaurant items or begin a process to pay for the selected restaurant items within the overlay interface screen.
11. The method of claim 1 wherein the kiosk processor determines that a predetermined amount of time has passed without any input signals being received by the kiosk display through the first ordering interface screen of the kiosk display.
12. The method of claim 11 wherein the kiosk processor transmits to the kiosk display an option to cancel all selected restaurant items and start the ordering process over or to continue with restaurant item selection within the overlay interface screen.
13. The method of claim 1 wherein the set of restaurant items is selected from a group consisting of: breakfast items, lunch items and dinner items.

Article 34 Amendment And Reply To  
International Searching Authority Written Opinion  
Application No.: PCT/US09/039975  
Replacement Page

14. The method of claim 1 wherein the kiosk processor transmits to the kiosk display the overlay interface screen which appears on the kiosk display as overlaying the entire first ordering interface screen.

15. The method of claim 1 wherein the kiosk processor transmits to the kiosk display the overlay interface screen which appears on the kiosk display as overlaying only a portion of the first ordering interface screen.

16. The method of claim 1 wherein the overlay interface screen is one of the group comprising customization, meal creation, payment and timeout.

17. The method of claim 1 wherein the first ordering interface screen includes restaurant item category selectors.

18. The method of claim 17 wherein the customer can access all available restaurant item categories through the restaurant item category selectors when the overlay interface screen is not being displayed on the kiosk display.

19. The method of claim 17 wherein all non-overlay and non-payment interface screens include restaurant item category selectors.

20. A system for presenting restaurant items for ordering comprising:

a customer order taking application configured to generate customer order taking screens for ordering restaurant items;

a processor for executing the customer order taking application;

a memory for storing the customer order taking application;

PCT/US 2009. / 0 3 9 9 7 5  
PRA/KR 2 6. 0 2. 2010.

Article 34 Amendment And Reply To  
International Searching Authority Written Opinion  
Application No.: PCT/US09/039975  
Replacement Page

a display for displaying customer order taking screens generated by the customer order taking application;

a customer input receiver for receiving selection signals;

wherein the customer order taking application is further configured to display a set of restaurant items available for purchase on a first ordering interface screen;

wherein the customer order taking application is further configured to receive a triggering signal;

wherein the customer order taking application is further configured to display an overlay interface screen; and

wherein the customer order taking application is further configured to prevent the first ordering interface screen from receiving any input from a customer while the overlay interface screen is displayed; and

wherein the customer order taking application is further configured to change the visual appearance of the first ordering interface screen when the overlay interface screen is displayed.

21. The system of claim 20 wherein the customer input receiver is a touch screen display wherein the customer can input selections by touching the touch screen display.

22. The system of claim 20 further comprising a credit card reader for receiving payments via at least one of credit cards, debit cards and gift cards.

23. The system of claim 20 further comprising a receipt dispenser for printing and dispensing a receipt to the customer upon completion of an order.

PCT/US 2009 / 0 3 9 9 7 5  
(PEA/KR 2 6. 0 2. 2010.

Article 34 Amendment And Reply To  
International Searching Authority Written Opinion  
Application No.: PCT/US09/039975  
Replacement Page

24. The system of claim 20 wherein the processor, memory and display are housed within an independent customer kiosk.

25. The system of claim 24 further comprising a kiosk server, POS terminal server and order generation system wherein the kiosk server can communicate with the customer kiosk and the POS terminal server.

26. The system of claim 25 wherein the POS terminal server can communicate with the order generation system.



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.
12/420,758	04/08/2009	Roger D. Carroll	19592.02US6	3100
25541	7590	06/07/2011	EXAMINER	
PATENT ADMINISTRATOR NEAL, GERBER, & EISENBERG SUITE 1700 2 NORTH LASALLE STREET CHICAGO, IL 60602			ORTIZ ROMAN, DENISSE Y	
			ART UNIT	PAPER NUMBER
			3627	
			NOTIFICATION DATE	DELIVERY MODE
			06/07/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@ngelaw.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

JUN 06 2011

PATENT ADMINISTRATOR  
NEAL, GERBER, & EISENBERG  
SUITE 1700  
2 NORTH LASALLE STREET  
CHICAGO IL 60602

In re application of: : **DECISION ON REQUEST TO**  
CARROLL, Roger D., et al. : **PARTICIPATE IN PATENT**  
Application No.: 12/420,758 : **PROSECUTION HIGHWAY**  
Filed: April 8, 2009 : **PROGRAM AND PETITION**  
For: SYSTEM AND METHOD FOR : **TO MAKE SPECIAL UNDER**  
ENHANCED CUSTOMER KIOSK : **37 C.F.R. 1.102(d)**  
ORDERING

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed December 13, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

(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 requirements:

- (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) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, 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. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim 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 is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(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 file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work

product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the 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. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. 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.

(8) 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.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) 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."

The request to participate in the PPH program does not meet the above requirements in that, with regard to item (4) above, examination of the U.S. application has already begun. Note the U.S. Office action mailed May 18, 2011.

No time period for reply to this decision is available since the issue outlined above cannot be remedied.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



---

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/6/5/11

**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:	12/420,772	Filing date:	April 8, 2009
-----------------	------------	--------------	---------------

First Named Inventor:	Roger D. Carroll
-----------------------	------------------

Title of the Invention:	SYSTEM AND METHOD FOR ENHANCED CUSTOMER KIOSK ORDERING
-------------------------	--

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS\\_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US09/39973

**The international date of the corresponding PCT application(s) is/are:** April 8, 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.**





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.
12/420,772	04/08/2009	Roger D. Carroll	19592.02US4	3127
25541	7590	01/25/2011	EXAMINER	
PATENT ADMINISTRATOR NEAL, GERBER, & EISENBERG SUITE 1700 2 NORTH LASALLE STREET CHICAGO, IL 60602			OBAID, FATEH M	
			ART UNIT	PAPER NUMBER
			3627	
			NOTIFICATION DATE	DELIVERY MODE
			01/25/2011	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):

patents@ngelaw.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

JAN 24 2011

PATENT ADMINISTRATOR  
NEAL, GERBER, & EISENBERG  
SUITE 1700  
2 NORTH LASALLE STREET  
CHICAGO IL 60602

In re application of: : **DECISION ON REQUEST TO**  
CARROLL, Roger, et al. : **PARTICIPATE IN PATENT**  
Application No.: 12/420,772 : **PROSECUTION HIGHWAY**  
Filed: April 8, 2009 : **PROGRAM AND PETITION**  
For: SYSTEM AND METHOD FOR : **TO MAKE SPECIAL UNDER**  
ENHANCED CUSTOMER KIOSK : **37 C.F.R. 1.102(d)**  
ORDERING

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed November 17, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

- (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 requirements:
- (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) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, 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. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim 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 is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(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 file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work

product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the 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. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. 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.

(8) 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.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) 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."

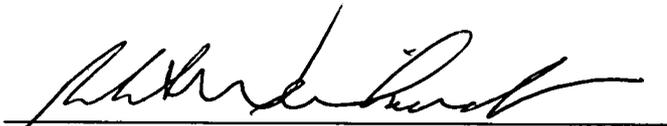
The request to participate in the PPH program does not meet the above requirements in that, with regard to item (4) above, examination of the U.S.

application has already begun. Note the U.S. Office action mailed January 6, 2011.

No time period for reply to this decision is available since the issue outlined above cannot be remedied.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



---

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/1/23/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MORRISON & FOERSTER LLP  
12531 HIGH BLUFF DRIVE  
SUITE 100  
SAN DIEGO CA 92130-2040**

**MAILED  
OCT 01 2010  
OFFICE OF PETITIONS**

In re Application of :  
Hassan PAJOUHESH, et al :  
Application No. 12/420,785 :  
Filed: April 8, 2009 :  
Attorney Docket No. 381092004000 :  
: **DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 3, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office is not proper since the assignee indicated has not been made of record under 37 C.F.R 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

Cc: NEUROMED PHARMACEUTICALS, LTD.  
SUITE 301-2489 HEALTH SCIENCES MAIL, UBC  
VANCOUVER BC V6T 1Z4 CANADA



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MORRISON & FOERSTER LLP**  
**12531 HIGH BLUFF DRIVE**  
**SUITE 100**  
**SAN DIEGO CA 92130-2040**

**MAILED**

**OCT 01 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Hassan PAJOUHESH, et al :  
Application No. 12/420,793 : **DECISION ON PETITION**  
Filed: April 8, 2009 : **TO WITHDRAW**  
Attorney Docket No. 381092003900 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 3, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office is not proper since the assignee indicated has not been made of record under 37 C.F.R 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

Cc: NEUROMED PHARMACEUTICALS, LTD.  
SUITE 301-2489 HEALTH SCIENCES MAIL, UBC  
VANCOUVER BC V6T 1Z4 CANADA

**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:	12/420,796	Filing date:	April 8, 2009
-----------------	------------	--------------	---------------

First Named Inventor:	Roger D. Carroll
-----------------------	------------------

Title of the Invention:	SYSTEM AND METHOD FOR ENHANCED CUSTOMER KIOSK ORDERING
-------------------------	--

**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/US2009/039971

**The international date of the corresponding PCT application(s) is/are:** April 8, 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.**



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:	12/420,796	Filing date:	April 8, 2009
First Named Inventor:	Roger D. Carroll		

Title of the Invention: **SYSTEM AND METHOD FOR ENHANCED CUSTOMER KIOSK ORDERING**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS\\_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US09/39971

**The international date of the corresponding PCT application(s) is/are:** April 8, 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.**



**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
MURAFF JAMES P.  
  
NEAL, GERBER & EISENBERG LLP TWO NORTH  
LASALLE STREET SUITE 1700 CHICAGO IL 60602 USA

**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **12 NOVEMBER 2009 (12.11.2009)**

Applicant's or agent's file reference  
19592.02WO5

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/US2009/039971**

International filing date (day/month/year)  
**08 APRIL 2009 (08.04.2009)**

Priority date(day/month/year)  
08 APRIL 2008 (08.04.2008)

International Patent Classification (IPC) or both national classification and IPC  
**G06Q 50/00(2006.01)i**

Applicant  
**RESTAURANT TECHNOLOGY, INC. et al**

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

 <p>Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140</p>	<p>Date of completion of this opinion 11 NOVEMBER 2009 (11.11.2009)</p>	<p>Authorized officer KIM, Il Hwan Telephone No.82-42-481-5780</p> 
---	---	--

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2009/039971

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of :
  - the international application in the language in which it was filed
  - a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2.  This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
  - a. type of material
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material
    - on paper
    - in electronic form
  - c. time of filing/furnishing
    - contained in the international application as filed.
    - filed together with the international application in electronic form.
    - furnished subsequently to this Authority for the purposes of search.
4.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2009/039971**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-21	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-21	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims	None	NO

**2. Citations and explanations :**

Reference is made to the following documents:

- D1: US 2003-0182209 A1 ( LI GE, PROSPECT et al. ) 25 September 2003
- D2: US 2007-0088620 A1 ( CRAIG D, TENGLER et al. ) 19 April 2007
- D3: US 2005-0021407 A1 ( JAMES B, KARGMAN et al. ) 27 January 2005
- D4: KR 10-2005-0055972 A ( KIM, HYUN BAE. ) 14 June 2005

**1. Novelty and Inventive Step**

**1.1 Claims 1-13**

The subject matter of claim 1 differs from the prior art documents D1 to D4 in that claim 1 discloses a method for presenting restaurant items for ordering through a customer ordering kiosk having a display and a processor comprising the step of a displaying a first restaurant item image within a first area of first ordering interface screen on the kiosk display. And, the step of displaying a restaurant item image 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 2-13 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**1.2 Claims 14-21**

The subject matter of claim 14 differs from the prior art documents D1 to D4 in that claim discloses a system for presenting restaurant items for ordering comprising a display for displaying customer order taking screens generated by the customer order taking applications. And the display is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 14 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 15-21 are dependent on claim 14 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**2. Industrial Applicability**

Claims 1-21 are industrially applicable under PCT Article 33(4).

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 19592.02WO5	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2009/039971</b>	International filing date ( <i>day/month/year</i> ) <b>08 APRIL 2009 (08.04.2009)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) <b>08 APRIL 2008 (08.04.2008)</b>
Applicant  <b>RESTAURANT TECHNOLOGY, INC. 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. 3

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/US2009/039971**A. CLASSIFICATION OF SUBJECT MATTER***G06Q 50/00(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC8 : G06F 17/60, G06Q 30/00, H04Q 7/24, G06Q 50/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
Korean utility models and applications for utility models 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)  
e-KOMPASS (KIPO internal) & keyword : restaurant, food, item, order, background**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2003-0182209 A1 ( LI GE, PROSPECT et al. ) 25 September 2003 See abstract, figures 7-9, paragraphs [0040]-[0041], claims 1-7	1-21
A	US 2007-0088620 A1 ( CRAIG D, TENGLER et al. ) 19 April 2007 See abstract, figures 3-4, paragraphs [0049]-[0067], claims 1-34	1-21
A	US 2005-0021407 A1 ( JAMES B, KARGMAN et al. ) 27 January 2005 See abstract, figure 3, paragraphs [0017]-[0018], claim 1	1-21
A	KR 10-2005-0055972 A ( KIM, HYUN BAE. ) 14 June 2005 See abstract, figures 4a-4b, pages 3-4, claims 1-4	1-21

 Further documents are listed in the continuation of Box C. See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

11 NOVEMBER 2009 (11.11.2009)

Date of mailing of the international search report

12 NOVEMBER 2009 (12.11.2009)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

KIM, Il Hwan

Telephone No. 82-42-481-5780



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2009/039971**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2003-0182209 A1	25.09.2003	None	
US 2007-0088620 A1	19.04.2007	CA 2479455 A1	28.02.2005
		EP 1668583 A2	14.06.2006
		US 07110964 B2	19.09.2006
		US 2005-0049921 A1	03.03.2005
		US 2005-0049940 A1	03.03.2005
		WO 2005-024564 A3	15.12.2005
		WO 2005-024564 A2	17.03.2005
		WO 2005-024565 A2	17.03.2005
		WO 2005-024564 A3	17.03.2005
		WO 2005-024565 A3	17.03.2005
US 2005-021407 A1	27.01.2005	None	
KR 10-2005-0055972 A	14.06.2005	None	

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter I of the Patent Cooperation Treaty).

(PCT Rule 44bis)

Applicant's or agent's file reference 19592.02WO5	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/US2009/039971	International filing date ( <i>day/month/year</i> ) 08 April 2009 (08.04.2009)	Priority date ( <i>day/month/year</i> ) 08 April 2008 (08.04.2008)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant RESTAURANT TECHNOLOGY, INC.			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																						
<input type="checkbox"/>	Box No. II	Priority																						
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																						
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																						
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																						
<input type="checkbox"/>	Box No. VI	Certain documents cited																						
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																						
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

<p align="center">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 12 October 2010 (12.10.2010)</p>
	<p>Authorized officer</p> <p align="center"><b>Simin Baharlou</b></p> <p>e-mail: pt09.pct@wipo.int</p>

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To: MURAFF JAMES P.  NEAL, GERBER & EISENBERG LLP TWO NORTH LASALLE STREET SUITE 1700 CHICAGO IL 60602 USA
--

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) <b>12 NOVEMBER 2009 (12.11.2009)</b>	
Applicant's or agent's file reference 19592.02W05	<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/US2009/039971</b>	International filing date (day/month/year) <b>08 APRIL 2009 (08.04.2009)</b>
	Priority date (day/month/year) 08 APRIL 2008 (08.04.2008)
International Patent Classification (IPC) or both national classification and IPC  <i>G06Q 50/00(2006.01)i</i>	
Applicant <b>RESTAURANT TECHNOLOGY, INC. 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 11 NOVEMBER 2009 (11.11.2009)	Authorized officer KIM, Il Hwan Telephone No. 82-42-481-5780
		

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/039971

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/US2009/039971**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-21	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-21	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims	None	NO

**2. Citations and explanations :**

Reference is made to the following documents:

- D1: US 2003-0182209 A1 ( LI GE, PROSPECT et al. ) 25 September 2003
- D2: US 2007-0088620 A1 ( CRAIG D, TENGLER et al. ) 19 April 2007
- D3: US 2005-0021407 A1 ( JAMES B, KARGMAN et al. ) 27 January 2005
- D4: KR 10-2005-0055972 A ( KIM, HYUN BAE. ) 14 June 2005

**1. Novelty and Inventive Step**

**1.1 Claims 1-13**

The subject matter of claim 1 differs from the prior art documents D1 to D4 in that claim 1 discloses a method for presenting restaurant items for ordering through a customer ordering kiosk having a display and a processor comprising the step of a displaying a first restaurant item image within a first area of first ordering interface screen on the kiosk display. And, the step of displaying a restaurant item image 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 2-13 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**1.2 Claims 14-21**

The subject matter of claim 14 differs from the prior art documents D1 to D4 in that claim discloses a system for presenting restaurant items for ordering comprising a display for displaying customer order taking screens generated by the customer order taking applications. And the display is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 14 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 15-21 are dependent on claim 14 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**2. Industrial Applicability**

Claims 1-21 are industrially applicable under PCT Article 33(4).

PATENT COOPERATION TREATY

PCT/US2009/039971  
RECEIVED

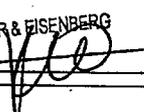
From the INTERNATIONAL SEARCHING AUTHORITY

NOV 17 2009

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

To:  
MURAFF JAMES P.  
  
NEAL, GERBER & EISENBERG LLP TWO NORTH  
LASALLE STREET SUITE 1700 CHICAGO IL 60602 USA  
DOCKET  
  
NOV 20 2009  
  
NEAL, GERBER & EISENBERG  
By: 

Date of mailing  
(day/month/year) 12 NOVEMBER 2009 (12.11.2009)

Applicant's or agent's file reference  
19592.02WO5

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.  
PCT/US2009/039971

International filing date  
(day/month/year)  
08 APRIL 2009 (08.04.2009)

Applicant  
RESTAURANT TECHNOLOGY, INC. et al

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
**For more detailed instructions, see the notes on the accompanying sheet.**
2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3.  With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
 the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
 no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**  
Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.  
  
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.  
  
Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.  
  
In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.  
  
See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/KR  
 Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea  
Facsimile No. 82-42-472-7140

Authorized officer  
  
COMMISSIONER  
  
Telephone No. 82-42-481-5131  


## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, paragraph 296).

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments ?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43*bis*.1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

\* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => Patent Search => PCT-Service

ID : PCT international application number

PW : **VQWOVTD6**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084



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.
12/420,796	04/08/2009	Roger D. Carroll	19592.02US5	3171

25541 7590 01/25/2011  
PATENT ADMINISTRATOR  
NEAL, GERBER, & EISENBERG  
SUITE 1700  
2 NORTH LASALLE STREET  
CHICAGO, IL 60602

EXAMINER

OBAID, FATEH M

ART UNIT PAPER NUMBER

3627

NOTIFICATION DATE DELIVERY MODE

01/25/2011

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):

patents@ngelaw.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

JAN 24 2011

PATENT ADMINISTRATOR  
NEAL, GERBER, & EISENBERG  
SUITE 1700  
2 NORTH LASALLE STREET  
CHICAGO IL 60602

In re application of: : **DECISION ON REQUEST TO**  
CARROLL, Roger, et al. : **PARTICIPATE IN PATENT**  
Application No.: 12/420,796 : **PROSECUTION HIGHWAY**  
Filed: April 8, 2009 : **PROGRAM AND PETITION**  
For: SYSTEM AND METHOD FOR : **TO MAKE SPECIAL UNDER**  
ENHANCED CUSTOMER KIOSK : **37 C.F.R. 1.102(d)**  
ORDERING

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed December 11, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

- (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 requirements:
  - (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) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, 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. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim 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 is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(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 file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work

product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the 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. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. 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.

(8) 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.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) 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."

The request to participate in the PPH program does not meet the above requirements in that, with regard to item (4) above, examination of the U.S.

application has already begun. Note the U.S. Office action mailed January 6, 2011.

No time period for reply to this decision is available since the issue outlined above cannot be remedied.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



---

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/1/23/11



**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:	12/420801	Filing date:	April 8, 2009
-----------------	-----------	--------------	---------------

First Named Inventor:	Roger D. Carroll
-----------------------	------------------

Title of the Invention: **SYSTEM AND METHOD FOR ENHANCED CUSTOMER KIOSK ORDERING**

**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/EBS/EF\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: **PCT/US09/39977**

The international date of the corresponding PCT application(s) is/are: **April 8, 2009**

**I. List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- Is attached.
- Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- Is attached.
- Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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.
12/420,801	04/08/2009	Roger D. Carroll	19592.02US9	3183

25541 7590 06/07/2011  
PATENT ADMINISTRATOR  
NEAL, GERBER, & EISENBERG  
SUITE 1700  
2 NORTH LASALLE STREET  
CHICAGO, IL 60602

EXAMINER
----------

GOYEA, OLUSEGUN

ART UNIT	PAPER NUMBER
----------	--------------

3687

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/07/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@ngelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 06 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

PATENT ADMINISTRATOR  
NEAL, GERBER, & EISENBERG  
SUITE 1700  
2 NORTH LASALLE STREET  
CHICAGO IL 60602

In re application of: : **DECISION ON REQUEST TO**  
CARROLL, Roger D., et al. : **PARTICIPATE IN PATENT**  
Application No.: 12/420,801 : **PROSECUTION HIGHWAY**  
Filed: April 8, 2009 : **PROGRAM AND PETITION**  
For: SYSTEM AND METHOD FOR : **TO MAKE SPECIAL UNDER**  
ENHANCED CUSTOMER KIOSK : **37 C.F.R. 1.102(d)**  
ORDERING

This is a decision on the request filed December 7, 2010 to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

(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 requirements:

- (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) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, 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. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim 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 is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(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 file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn

for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the 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. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. 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.

(8) 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.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S.

application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) 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."

In light of the petition and supporting documents filed December 7, 2010, the request to participate in the PPH program complies with the above requirements and the above identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/6/5/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

AKA CHAN LLP  
900 LAFAYETTE STREET  
SUITE 710  
SANTA CLARA CA 95050

**MAILED**  
APR 06 2012  
OFFICE OF PETITIONS

In re Application of :  
Bennett, et al. :  
Application No. 12/420,818 : DECISION ON PETITION  
Filed: April 8, 2009 :  
Attorney Docket No. ALLGP001 :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed March 14, 2012.

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 July 20, 2011. This Office action set a shortened statutory period for reply of three (3) months. The Office mailed a Notice of Abandonment on February 8, 2012.

A review of the application file reveals the presence of an Amendment, filed on January 21, 2012, made timely by obtaining a three month extension of time (filed one day earlier) and by including a Certificate of Transmission dated January 20, 2012. A review of Office finance records confirms that the Office received the fee for the three month extension of time on January 20, 2012.

Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The application is being forwarded to Group Art Unit 2173 for consideration of the Amendment filed January 21, 2012 (Certificate of Transmission dated January 20, 2012 and filed with a three month extension of time).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/420,822	04/09/2009	Elaine Wu		3234
87503	7590	06/23/2011		
Elaine Wu PO Box 121903 Nashville, TN 37212			EXAMINER OBEID, FAHD A	
			ART UNIT	PAPER NUMBER
			3627	
			MAIL DATE	DELIVERY MODE
			06/23/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JUN 23 2011

Elaine Wu  
P.O. Box 121903  
Nashville, TN 37212

In re Application of :

Wu, Elaine : SUA SPONTE  
Application No. 12/420,822 : DECISION TO WITHDRAW  
Filed: April 9, 2009 : ABANDONMENT  
For: CONTRACT ADMINISTRATION :  
SUPPORT/AUDIT SYSTEM (CASAS) :

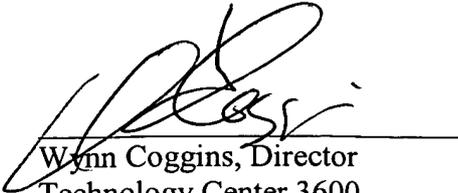
A sua sponte review of the above-noted application file has been conducted. As a result, it has been determined that certain errors on the part of the Office have occurred. In particular, it has been determined that the holding of abandonment on February 08, 2011 was premature. The purpose of this communication is to correct this error and clarify the record.

A review of the file history indicates that the examiner held the application abandoned for applicant's failure to timely file a proper reply to the Office letter mailed on July 09, 2010. However, the Office did receive a response from the applicant on August 09, 2010. Therefore, applicant's response did constitute a "proper reply" and the holding of abandonment on February 09, 2011 was incorrect and premature.

Accordingly, the holding of abandonment is hereby **VACATED**.

An Office action by the examiner is forthcoming.

Any questions regarding this decision should be directed to Supervisory Patent Examiner F. Ryan Zeender at (571) 272-6790.

  
Wynn Coggins, Director  
Technology Center 3600  
(571) 272-5350

FZ: 6/17/2011

LM

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE

12/6/11

Paper No.: \_\_\_\_\_

TO SPE OF

: ART UNIT 2162

SUBJECT

: Request for Certificate of Correction for Appl. No.: 12/420854 Patent No.: 8037038

CofC mailroom date: 1/24/11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

*Should CofC be approved*

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580**



**Certificates of Correction Branch  
703-756-1814 \_\_\_\_\_**

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

/John Breene/

2162

**SPE**

**Art Unit**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/420,851	04/09/2009	Christoph Bauernfeind	POR-BM 54	3288
24131	7590	06/23/2011	EXAMINER	
LERNER GREENBERG STEMER LLP			PAPE, JOSEPH	
P O BOX 2480			ART UNIT	PAPER NUMBER
HOLLYWOOD, FL 33022-2480			3612	
			MAIL DATE	DELIVERY MODE
			06/23/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



Telephone inquiries regarding this decision should be directed to D. Glenn Dayoan,  
Supervisory Patent Examiner for Art Unit 3612, at (571) 272-6659.



---

D. Glenn Dayoan  
SPE, Art Unit 3612

DGD: 6/22/2011



UNITED STATES 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)

**DATE:** June 22, 2011  
**TO:** Certificates of Correction Branch  
**FROM:** D. Glenn Dayoan  
SPE, Art Unit 3612  
**SUBJECT:** REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,644,979 as specified on the attached Certificate.

A handwritten signature in black ink, appearing to read "D. Glenn Dayoan", written over a horizontal line.

D. Glenn Dayoan, SPE  
Art Unit 3612

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE**

Patent No. 7,644,979

Patented: January 12, 2010

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Christoph Bauernfeind, Bietigheim-Bissingen (DE)

Ralf Hemmersmeier, Verl, Germany (DE)



---

D. Glenn Dayoan  
Supervisory Patent Examiner  
Art Unit 3612



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

LEYDIG VOIT & MAYER, LTD  
700 THIRTEENTH ST. NW  
SUITE 300  
WASHINGTON DC 20005-3960

**MAILED**  
**JAN 03 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Isao Oshima, et al. :  
Application No. 12/420,862 : DECISION GRANTING PETITION  
Filed: April 9, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 404366 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 29, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on December 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application 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.

/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.*



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**HANDAL & MOROFSKY, LLC**  
**501 KINGS HIGHWAY EAST**  
**Fairfield CT 06825-4867**

**MAILED**  
**SEP 22 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
David SCHLOSSMAN et al. : ON PETITION  
Application No. 12/420,983 :  
Filed: April 9, 2009 :  
Atty. Docket No.: 074822.00053 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 12, 2011, to receive 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 February 11, 2011, 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 May 12, 2011. A Notice of Abandonment was mailed August 16, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action mailed February 11, 2011, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

Application No. 12/420,983

The application will be referred to Technology Center Art Unit 1613 for consideration of the filed Response.



Anthony Knight  
Director  
Office of Petitions

cc: Anthony H. Handal  
Handal & Morofsky LLC  
3 Blue Chip Lane  
Westport, CT 06880-6707

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: 81175870	Application Number (if known): 12421025	Filing date: April 09, 2009
----------------------------------	---	-----------------------------

First Named Inventor: Alireza Pezhman Shirvanian

Title: FUEL CELL HAVING PERFORATED FLOW FIELD

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

- By filing this petition:  
  
**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: \_\_\_\_\_

Signature /Benjamin C. Stasa/	Date 2011-03-08
-------------------------------	-----------------

Name (Print/Typed) Benjamin C. Stasa	Registration Number 55644
--------------------------------------	---------------------------

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ALIREZA PEZHMAN SHIRVANIAN et al.

Group Art Unit: 1726

Examiner: Unknown

Serial No.: 12421025

Filed: April 09, 2009

For: FUEL CELL HAVING PERFORATED FLOW FIELD

Attorney Docket No.: 81175870

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

Applicant respectfully submits that it is clear on the above-identified application's face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions, hence no additional statement explaining how the materiality standard is met is being submitted at this time.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**ALIREZA PEZHMAN SHIRVANIAN et al.**

By: /Benjamin C. Stasa/  
Benjamin C. Stasa  
Reg. No. 55644  
Attorney for Applicant

Date: March 8, 2011

BROOKS KUSHMAN P.C.  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/421,025	04/09/2009	Alireza Pezhman Shirvanian	81175870	3641
28395	7590	03/28/2011	EXAMINER	
BROOKS KUSHMAN P.C./FGTL			DOVE, TRACY MAE	
1000 TOWN CENTER			ART UNIT	
22ND FLOOR			PAPER NUMBER	
SOUTHFIELD, MI 48075-1238			1726	
			MAIL DATE	
			DELIVERY MODE	
			03/28/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

3/28/2011

In re Application of	:	
Shirvanian et al.	:	DECISION ON PETITION
Application No. 12/421,025	:	TO MAKE SPECIAL UNDER
Filed: 4/9/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81175870	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/9/2011, 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

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.
Row 1: 12/421,041, 04/09/2009, Zhongqi XIA, 11005.0022, 3673
Row 2: 7590, 10/28/2010, Examiner: MAGLO, EMMANUEL K
Row 3: Huawei Technologies Co., Ltd./Finnegan, 901 New York Avenue, NW, Washington, DC 20001, ART UNIT: 2472, PAPER NUMBER
Row 4: MAIL DATE: 10/28/2010, 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: Nomi Sarmes

Patent Publication Branch
Office of Data Management

Faint administrative text and stamps on the left side of the page.

Administrative stamps and text on the right side of the page, including dates and amounts.

Search [ ] Include Citations | Advanced Search | Help

Summary

Related Documents

Version History

# Music Recommendation and Query-by-Content Using Self-Organizing Maps

by Kyle B. Dickerson , Dan Ventura  
Add To MetaCart

DOWNLOAD:  
<http://axon.cs.byu.edu/papers/dickerson.ijcnn09.pdf>

CACHED:



- Add to Collection
- Correct Errors
- Monitor Changes

### Abstract:

Abstract — The ever-increasing density of computer storage devices has allowed the average user to store enormous quantities of multimedia content, and a large amount of this content is usually music. Current search techniques for musical content rely on meta-data tags which describe artist, album, year, genre, etc. Query-by-content systems allow users to search based upon the acoustical content of the songs. Recent systems have mainly depended upon textual representations of the queries and targets in order to apply common string-matching algorithms. However, these methods lose much of the information content of the song and limit the ways in which a user may search. We have created a music recommendation system that uses Self-Organizing Maps to find similarities between songs while preserving more of the original acoustical content. We build on the design of the recommendation system to create a musical query-by-content system. We discuss the weaknesses of the naïve solution and then implement a quasi-supervised design and discuss some preliminary results. I.

### POPULAR TAGS

Add a tag: [ ] Submit

No tags have been applied to this document.

### BIBTEX | ADD TO METACART

```
@MISC{ Dickerson_musicrecommendation,
  author = { Kyle B. Dickerson and Dan Ventura },
  title = { Music Recommendation and Query-by-Content Using Self-Organizing Maps },
  year = { }
}
```

### BOOKMARKS



### OPENURL

**Citations**

- 2456 [The self-organizing map – Kohonen - 1990](#)
- 343 [Automatic musical genre classification of audio signals – Tzanetakis, Essl, et al. - 2001](#)
- 162 [Query by humming: Musical information retrieval in an audio database – Ghias, Logan, et al. - 1995](#)
- 107 [2001. "A Music Similarity Function based on Signal Analysis – Logan, Salomon](#)
- 53 [2002 "Using Psychoacoustic Models and Self-organizing Maps to Create a Hierarchical Structure of Music by Sound Similarity – Rauber, Pampalk, et al.](#)
- 48 [Automatic Indexing of a Sound Database Using Self-organizing Neural Nets – Feiten, Günzel - 1994](#)
- 48 [The growing hierarchical self-organizing map – Dittenbach, Merkl, et al. - 2000](#)
- 43 [Audio retrieval by rhythmic similarity – Foote, Cooper, et al. - 2002](#)
- 36 [A practical query-by-humming system for a large music database – Kosugi, Nishihara, et al. - 2000](#)
- 36 [Measuring the similarity of rhythmic patterns – Paulus, Klapuri](#)
- 29 [A Fully Operational Query by Humming System – Pauws - 2002](#)
- 28 [A similarity measure for automatic audio classification – Foote - 1997](#)
- 18 [Automatic genre classification of music content: A survey – Scaringella, Zoia, et al. - 2006](#)
- 15 [Interactive Image Retrieval using Self-Organizing Maps – Koskela - 2003](#)
- 12 [Decision time horizon for music genre classification using short time features", EUSIPCO – Meng, Larsen - 2004](#)
- 12 [A new approach to query by humming in music retrieval – Lu, You, et al. - 2001](#)
- 9 [Automatic music classification and the importance of instrument identification – McKay, Fujinaga - 2005](#)
- 9 [A multiple feature model for musical similarity retrieval – Allamanche, Herre, et al.](#)
- 9 [Content-Based Retrieval of MP3 Music Objects – Liu, Tsai - 2001](#)
- 8 [Evaluation of frequently used audio features for classification of music into perceptual categories – Pohle, Pampalk, et al. - 2005](#)
- 7 [An investigation of feature models for music genre classification using the support vector classifier – Meng, Shawe-Taylor - 2005](#)
- 5 [Query by humming with the vocalsearch system – Birmingham, Dannenberg, et al.](#)
- 4 [A Query-By-Humming based Music Retrieval System – Raju, Sundaram, et al. - 2003](#)
- 2 [A multifaceted approach to music similarity – Jacobson - 2006](#)
- 2 [Automatic segmentation, learning and retrieval of melodies using a selforganizing neural network – Harford](#)

[View or Download](#) | [Add to My Collection](#) | [Correct Errors](#)

[Related Documents: Active Bibliography](#) | [Co-citation](#)

© 2007-2010 The Pennsylvania State University

Developed at and hosted by The College of Information Sciences and Technology at Penn State



Home Join Publications Conferences Digital Library Build Your Career e-Learning Certification & Training Communities Store Login



1 Neural Networks, IEEE, IJCNN, IJCNN International Joint Conference on 2009

IJCNN International Joint Conference on Neural Networks Music recommendation and query-by-content using Self-Organizing Maps

2009 International Joint Conference on Neural Networks

Music recommendation and query-by-content using Self-Organizing Maps

Atlanta, Ga, USA
June 14-June 19
ISBN: 978-1-4244-3548-7

Kyle B. Dickerson, Computer Science Department, Brigham Young University, USA
Dan Ventura, Computer Science Department, Brigham Young University, USA

DOI Bookmark: http://dx.doi.org/10.1109/IJCNN.2009.5178975

The ever-increasing density of computer storage devices has allowed the average user to store enormous quantities of multimedia content, and a large amount of this content is usually music. Current search techniques for musical content rely on meta-data tags which describe artist, album, year, genre, etc. Query-by-content systems allow users to search based upon the acoustical content of the songs. Recent systems have mainly depended upon textual representations of the queries and targets in order to apply common string-matching algorithms. However, these methods lose much of the information content of the song and limit the ways in which a user may search. We have created a music recommendation system that uses Self-Organizing Maps to find similarities between songs while preserving more of the original acoustical content. We build on the design of the recommendation system to create a musical query-by-content system. We discuss the weaknesses of the naive solution and then implement a quasi-supervised design and discuss some preliminary results.

This Article

Subscribers, please Login
Purchase article: \$19
PDF
FREE Adobe Acrobat
RSS feed

Share

Email this Article to a friend

Bibliographic References

ASCI Text
Bibtex
Networks Preprint Server

Add to:

Digg Spurl Simply Del.icio.us
Furl Blink Google Y!MyWeb

Search

Show Articles
Articles by Kyle B. Dickerson
Articles by Dan Ventura

Citation:

Kyle B. Dickerson, Dan Ventura, "Music recommendation and query-by-content using Self-Organizing Maps," ijcn, pp.705-710, 2009 International Joint Conference on Neural Networks, 2009

Peer Review Notice: Give Us Feedback
Usage of the product signifies your acceptance of the Terms of Use.



This site and all contents (unless otherwise noted) are Copyright © 2011 IEEE. All rights reserved.

Could this be your next job?

Technical Program Mgr

Seattle, WA

Increase your job satisfaction

Relocation provided



amazon

In re Application of: Zhang et al.  
 Application No. 12/421,074  
 Confirmation No. 3729  
 Filed: April 9, 2009

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a **Petition for Special Status Under 37 C.F.R. §1.102 Filed in Connection with a Letter of Express Abandonment Under 37 C.F.R. §1.138(a) as Required Under the Backlog Reduction Stimulus Plan** in the subject application.

- Small entity status is claimed for this application under 37 CFR 1.27.
- Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- Please charge Deposit Account No. 12-1216 in the total amount indicated below.

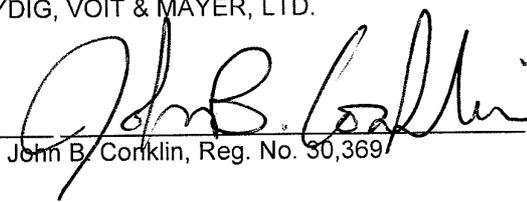
					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
TIME EXTENSION PETITION FEE				none	\$ 0.00		\$ 0.00	
subtract time extension fee previously paid				none	(\$ 0.00)		(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL		MINUS		= 0	x 26 =	\$	x 52 =	\$0.00
INDEPENDENT		MINUS		= 0	x 110 =	\$	x 220 =	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 195 =	\$	+ 390 =	\$0.00
OTHER FEES AS DESCRIBED:						\$		\$0.00
<b>TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT</b>					<b>TOTAL</b>	<b>\$</b>	<b>TOTAL</b>	<b>\$0.00</b>

- The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
  - Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
  - Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT & MAYER, LTD.  
 Two Prudential Plaza, Suite 4900  
 180 North Stetson Avenue  
 Chicago, Illinois 60601-6731  
 (312) 616-5600 (telephone)  
 (312) 616-5700 (facsimile)

LEYDIG, VOIT & MAYER, LTD.

By   
 John B. Corklin, Reg. No. 50,369

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 12/421,074

Confirmation No. 3729

Applicant: Zhang et al.

Filed: April 9, 2009

TC/AU: 2419

Examiner: Unassigned

Docket No.: HW704448 (Client Ref. 0711940US)

Customer No.: 77399

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR SPECIAL STATUS UNDER 37 C.F.R. §1.102 FILED IN CONNECTION WITH A  
LETTER OF EXPRESS ABANDONMENT UNDER 37 C.F.R. §1.138(A) AS REQUIRED UNDER THE  
BACKLOG REDUCTION STIMULUS PLAN**

Sir:

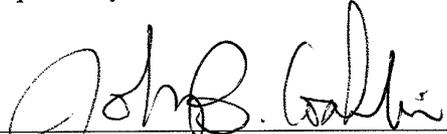
Applicants hereby request Special Status under 37 C.F.R. §1.102 to expedite processing above-identified U.S. Patent Application Serial No. 12/421,074 under the Patent Application Backlog Reduction Stimulus Plan. In support of this request and petition, Applicants state:

- I. Applicants have submitted a letter of Express Abandonment of U.S. Patent Application Serial No. 12/547,702 under 37 C.F.R. §1.138(a) as required under the Patent Application Backlog Reduction Stimulus Plan.
  - a. The Application for which express abandonment is requested is U.S. Patent Application Serial No. 12/547,702 filed on August 26, 2009. Accordingly, this Application has a filing date earlier than October 1, 2009.

- b. The Application for which special status is requested is U.S. Patent Application Serial No. 12/421,074 filed on April 9, 2009. Accordingly, this Application has a filing date earlier than October 1, 2009.
  - c. U.S. Patent Application Serial Nos. 12/421,074 and 12/547,702 are commonly owned by Huawei Technologies Co., Ltd. The Applications were commonly owned on October 1, 2009.
- II. Applicants submit and affirm that Applicants have not and will not file a new application that claims this same invention under any provision of Title 35 U.S.C.
  - III. Applicants submit and affirm that Applicants have not received special status for more than fourteen (14) other application under this program.
  - IV. Applicants agree to not request a refund of any fees paid in this application.
  - V. Applicants agree to make any required election without traverse in a telephonic interview if the Office determines that the claims of U.S. Application Serial No. 12/421,074 to be afforded special status are directed to two or more independent and district inventions.

While Applicants believe that no fees are due in connection with this request, Applicants direct the Office to charge the deposit account number 12-1216 for any fees deemed owed.

Respectfully submitted,

  
\_\_\_\_\_  
John B. Conklin, Reg. No. 30,369  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6731  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: August 18, 2010



Leydig, Voit & Mayer, Ltd  
(for Huawei Technologies Co., Ltd)  
Two Prudential Plaza Suite 4900  
180 North Stetson Avenue  
Chicago IL 60601

**MAILED**

SEP 15 2010

**OFFICE OF PETITIONS**

In re Application of

ZHANG et al.

Application No. 12/421,074

Filed: April 9, 2009

Attorney Docket No. **HW704448**

:  
:  
: **DECISION ON PETITION**  
: **TO MAKE SPECIAL**  
: **37 CFR 1.102**  
:

This is a decision on the petition under 37 CFR 1.102, filed August 18, 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.

A handwritten signature in black ink, appearing to read 'B. Brown', with a long horizontal flourish extending to the right.

Brian W. Brown  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**  
JUL 27 2011  
**OFFICE OF PETITIONS**

**NIKOLAI & MERSEREAU, P.A.**  
**900 SECOND AVENUE SOUTH**  
**SUITE 820**  
**MINNEAPOLIS MN 55402**

In re Application of :  
TOWNSEND, et al :  
Application No. 12/421,116 : **DECISION ON PETITION**  
Filed: April 9, 2009 : **TO WITHDRAW**  
Attorney Docket No. 20080664.ORI : **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 1, 2011.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the change of correspondence address cannot be accepted. The Office will either change the correspondence address of record to the most current address information provided for an 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) with the current assignee information of record in the instant application, the Office cannot change the correspondence address as indicated on the Request to Withdraw at this time.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: MINNESOTA MEDICAL DEVELOPMENT, INC.  
14305 – 21<sup>ST</sup> AVENUE NORTH, #100  
PLYMOUTH MN 55447



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**FEB 10 2011**

**OFFICE OF PETITIONS**

CRAWFORD MAUNU PLLC  
1150 NORTHLAND DRIVE, SUITE 100  
ST. PAUL, MN 55120

In re Application of Hall et al. :  
Application No. 12/421.210 : Decision on Petition  
Filing Date: March 19, 2009 :  
Attorney Docket No. GTTE.001CIP2 :

This is a decision on the petition filed October 1, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional 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 15, 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. As a result, 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 the above statute and 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 May 19, 2011, accompanies this decision on petition.

Technology Center Art Unit 2612 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions

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
12/421,210	04/09/2009	Timothy Hall	GTTE.001CIP2

40581  
CRAWFORD MAUNU PLLC  
1150 NORTHLAND DRIVE, SUITE 100  
ST. PAUL, MN 55120

**CONFIRMATION NO. 4009**  
**NONPUBLICATION RESCISSION**  
**LETTER**



Date Mailed: 02/09/2011

**Communication Regarding Rescission Of  
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 05/19/2011.

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".

/scbrantley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MCCARTER & ENGLISH, LLP STAMFORD  
CANTEBURY GREEN  
201 BROAD STREET, 9<sup>TH</sup> FLOOR  
STAMFORD CT 06901**

**MAILED**

**DEC 20 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Maximilian **ROSENZWEIG** et al :  
Application No. 12/421,261 : **DECISION ON PETITION**  
Filed: April 9, 2009 :  
Attorney Docket No. EURO-280A :  
(117990.16801) :

This is a decision on the petition under 37 CFR 1.59(b), filed May 10, 2010, to expunge information from the above identified application.

The petition is **DISMISSED**.

Petitioner requests that a document filed May 4, 2010, be expunged from the record.

The petition is deficient because 1) the petition does not contain a clear statement that the information requested to be expunged was unintentionally submitted and 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, 2) the petition does not contain a commitment on the part of petitioner to retain the information to be expunged for the period of any patent with regard to which such information is submitted, 3) the petition does not contain a statement that the petition is being submitted by, or on behalf of, the party in interest who originally submitted the information, and 4) no agreement to retrain the information for the life of any patent that may issue from 12/421,261. The fee of \$200.00 required under 37 CFR 1.17(g) has been charged to Deposit Account 23-2825.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By facsimile:           (571) 273-8300  
                              Attn: Office of Petitions

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions

cc: **WOLF, GREENSIELD & SACKS, P.C.**  
**600 ATLANTIC AVENUE**  
**BOSTON, MASSACHUSETTS 02210-2206**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/421,269, inventor Shaodong Wang, and examiner HWANG, JOON H.

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 signatures and text: Patent Publication Branch, Office of Data Management

Administrative stamp: RECEIVED, DATE, DIVISION, NUMBER, SEARCHED, INDEXED, SERIALIZED, FILED



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.
12/421,290	04/09/2009	Beat Krattiger	03685-P0026A	4169
24126	7590	07/27/2011	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC			COLQUE, RONALD DAVID	
986 BEDFORD STREET			ART UNIT	PAPER NUMBER
STAMFORD, CT 06905-5619			3779	
			MAIL DATE	DELIVERY MODE
			07/27/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**  
The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ST. ONGE STEWARD JOHNSTON & REENS, LLC  
986 BEDFORD STREET  
STAMFORD CT 06905-5619

*In re* Application of:  
KRATTIGER, BEAT  
Serial No.: 12/421290  
Filed: 04/09/2009  
Attorney Docket No. : 03685-P0026A  
Title: APPARATUS AND METHOD FOR  
ENDOSCOPIC 3D DATA COLLECTION :

: DECISION ON A REQUEST TO  
: PARTICIPATE IN PATENT  
: PCT/PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 18, 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 DPMA;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the DPMA application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DPMA 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 DPMA 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 DPMA examiner in the DPMA office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #3 above.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
PO BOX 142950  
GAINESVILLE FA 32614**

**MAILED  
NOV 29 2010  
OFFICE OF PETITIONS**

In re Application of  
John HEN, et al  
Application No. 12/421,300  
Filed: April 9, 2009  
Attorney Docket No. BLF.102XC2

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 27, 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 copy of Applicant John Hen driver's license and birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-1600.

The application is being forwarded to Technology Center Art Unit 1613 for action on the merits commensurate with this decision.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**  
**MAR 15 2011**  
**OFFICE OF PETITIONS**

MICHAEL A. NELSON  
TEKTRONIX, INC.  
14150 S.W. KARL BRAUN DRIVE  
P.O. BOX 500 (50-LAW)  
BEAVERTON OR 97077-0001

In re Application of :  
Elangovan, et al. :  
Application No.: 12/421,389 : ON PETITION  
Filed: April 9, 2009 :  
Attorney Docket No.:8404-US0 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-Provisional Application mailed April 29, 2009. The notice set a shortened period for reply of two months from its mailing date. No response was received within the allowable period, and the application became abandoned on June 30, 2009. A Notice of Abandonment was mailed January 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an executed declaration; (2) the petition fee of \$1,620.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**SEP 12 2011**

**OFFICE OF PETITIONS**

STORM LLP  
BANK OF AMERICA PLAZA  
901 MAIN STREET, SUITE 7100  
DALLAS TX 75202

In re Application of :  
Eric R. Fossum, et al. :  
Application No. 12/421,466 : **NOTICE**  
Filed: April 9, 2009 :  
Attorney Docket No. CIT 04470 PTRE :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

STORM LLP  
BANK OF AMERICA PLAZA  
901 MAIN STREET, SUITE 7100  
DALLAS TX 75202

**MAILED**  
AUG 23 2011  
OFFICE OF PETITIONS

In re Application of :  
Eric R. Fossum, et al. :  
Application No. 12/421,477 : NOTICE  
Filed: April 9, 2009 :  
Attorney Docket No. CIT 04471 PTRE :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

April M. Wise  
Petitions Examiner  
Office of Petitions

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)  
Approved for use through 07/31/2012. OMB 0651- 0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

<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	12/421,480	Confirmation Number	4578	Filing Date	2009-04-09
Attorney Docket Number (optional)	SOLA.01.US	Art Unit	3774	Examiner	Schillinger, Ann M
First Named Inventor	Lawrence, Bruce R				
Title of Invention	METATARSAL BONE IMPLANT				
<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		
Bruce	Raymond	Lawrence			
<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	/Ashok K. Janah/		Date (YYYY-MM-DD)	2011-12-20	
Name	Ashok K. Janah		Registration Number	37487	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Bruce R. Lawrence

:  
:

Application No. 12421480

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: April 9, 2009

:

Attorney Docket No. SOLA.1.US

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 20-DEC-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

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

**MAILED**

OCT 21 2010

**OFFICE OF PETITIONS**

In re Application of  
Almada Gonzalo  
Application No. 12/421,483  
Filed: April 9, 2009  
Attorney Docket No. 095237-0102

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 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 request was signed by Brian J. McNamara on behalf of all attorneys of record who are associated with customer No. 22428. All attorneys/agents associated with the Customer Number 22428 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: ALMADA GONZALO  
8562 SW 148 TERRACE  
MIAMI, FL 33158



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
12/421,483	04/09/2009	Almada Gonzalo	095237-0102

**CONFIRMATION NO. 4586**

**POWER OF ATTORNEY NOTICE**



22428  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

Date Mailed: 10/19/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/10/2010.

- 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.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BAKER BOTTS L.L.P.**  
**30 ROCKEFELLER PLAZA**  
**44TH FLOOR**  
**NEW YORK NY 10112-4498**

**MAILED**

**AUG 11 2011**

**OFFICE OF PETITIONS**

Patent No. 7,844,479 :  
Issue Date: November 30, 2010 :  
Application No. 12/421,561 :  
Filed: April 9, 2009 :  
Attorney Docket No. 065855.0478 :

**ON PETITION**

This is a decision on the petition filed July 27, 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

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: 81179830 (67,600-110)	Application Number (if known): 12/421,572	Filing date: 04/09/2009
---	---	-------------------------

First Named Inventor: Ben A. Tabatowski-Bush

Title: Battery Monitoring and Control System and Method of Use

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

- By filing this petition:  
  
**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: \_\_\_\_\_

Signature /RANDYW.TUNG/	Date 03/08/2011
-------------------------	-----------------

Name RANDY W. TUNG (Print/Typed)	Registration Number 31,311
----------------------------------	----------------------------

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

12/421,572	04/09/2009	Ben A. Tabatowski-Bush	81179830 (67,600-110)	4757
------------	------------	------------------------	-----------------------	------

32997                      7590                      03/15/2011  
TUNG & ASSOCIATES  
838 WEST LONG LAKE, SUITE 120  
BLOOMFIELD HILLS, MI 48302

EXAMINER
----------

HERNANDEZ, MANUEL J

ART UNIT	PAPER NUMBER
----------	--------------

2858

MAIL DATE	DELIVERY MODE
-----------	---------------

03/15/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



TUNG & ASSOCIATES  
838 WEST LONG LAKE, SUITE 120  
BLOOMFIELD HILLS MI 48302

In re Application of	:	
Ben TABATOWSKI-BUSH	:	DECISION ON PETITION
Application No. 12/421,572	:	TO MAKE SPECIAL UNDER
Filed: April 09, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81179830 (67,600-110)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 08, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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.
12/258,406	10/25/2008	Bala Chander	81180513 (67,600-113)	9005
32997	7590	03/15/2011	EXAMINER	
TUNG & ASSOCIATES			TSO, EDWARD H	
838 WEST LONG LAKE, SUITE 120			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48302			2858	
			MAIL DATE	DELIVERY MODE
			03/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

RUTAN & TUCKER, LLP.  
611 ANTON BLVD  
SUITE 1400  
COSTA MESA, CA 92626

**MAILED**  
**SEP 29 2011**  
**OFFICE OF PETITIONS**

In re Application of  
John Reedy, et al.  
Application No. 12/421,574  
Filed: April 9, 2009  
Attorney Docket No.: 101525.0003P2

ON PETITION

This is a decision in response to the petition, filed September 23, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 2, 2011, 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 June 3, 2011. A Notice of Abandonment was mailed on September 15, 2011. On September 23, 2011, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of an amendment, including a terminal disclaimer; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2856 for appropriate action by the Examiner in the normal course of business on the response filed September 23, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JEFFREY DEAN LINDSAY  
20 DIANE LANE  
APPLETON WI 54915

**MAILED**

APR 18 2012

**OFFICE OF PETITIONS**

In re Application of :  
Coppola, et al. :  
Application No. 12/421,601 :  
Filed: April 9, 2009 :  
Attorney Docket No. KER2 :

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 23, 2012.

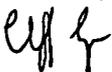
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above application became abandoned for failure to timely file a reply to the Office communication mailed September 6, 2011. This Office set a shortened statutory period for reply of one month. No reply having been received, the application became abandoned on October 7, 2011. The Office mailed a Notice of Abandonment on March 23, 2012.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 1654 for consideration of the Amendment, filed March 23, 2012.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

  
Cliff Congo  
Petitions Attorney  
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 12/421696  
Application Title: *Touch Screen Sensor*  
First Named Inventor: Harald Philipp  
Filing Date: 10 April 2009  
Confirmation No.: 4991  
Art Unit: 2629  
Examiner: Bipin H. Shalwala

**Petition to Make Special Under 37 C.F.R. § 1.102**

Applicant submits this Petition under 37 C.F.R. § 1.102 to have this Application accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at [http://www.uspto.gov/patents/init\\_events/brs\\_conditions.pdf](http://www.uspto.gov/patents/init_events/brs_conditions.pdf)*):

- a) Applicant seeks special status for this Application on the basis of the express abandonment of co-pending U.S. Patent Application No. 12/364960;
- b) Applicant includes with this Petition a copy of the Declaration of Abandonment of U.S. Patent Application No. 12/364960;
- c) The relationship between this Application and U.S. Patent Application No. 12/364960 that qualifies this Application for special status is this Application and U.S. Patent Application No. 12/364960 having a common assignee, Atmel Corporation;
- d) Applicant is expressly abandoning U.S. Patent Application No. 12/364960;
- e) Applicant certifies that Applicant has not filed petitions in more than 14 other applications requesting special status under this program; and
- f) Applicant agrees 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 and distinct inventions.

ATTORNEY DOCKET  
080900.0201  
P035841QRG

PATENT APPLICATION  
12/421696

2 of 2

**Conclusion**

Applicant respectfully petitions the Office to accord this Application special status. The Commissioner may charge any fee due and credit any overpayment for this Application to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant

Handwritten signature of Travis W. Thomas, consisting of stylized initials 'TWT'.

Travis W. Thomas  
Reg. No. 48,667

Date: 20 May 2011

**Customer No. 12323**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 12/364960  
Application Title: Microcontroller with Compatibility Mode  
First Named Inventor: Benjamin Francis Froemming  
Filing Date: 3 February 2009  
Confirmation No.: 5039  
Art Unit: 2111  
Examiner: Thomas J. Cleary

**Declaration of Abandonment Under 37 C.F.R. § 1.138(a)**

Applicant hereby expressly abandons this Application to have co-pending U.S. Patent Application No. 12/421696 accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at* [http://www.uspto.gov/patents/init\\_events/brs\\_conditions.pdf](http://www.uspto.gov/patents/init_events/brs_conditions.pdf)), Applicant states:

- a) Applicant has not and will not file an application that claims the benefit of U.S. Patent Application No. 12/364960 under any provision of Title 35 of the United States Code;
- b) Applicant agrees not to request a refund of any fees paid in U.S. Patent Application No. 12/364960; and
- c) Applicant has not filed and will not file a new application that claims the same invention claimed in U.S. Patent Application No. 12/364960 (with the phrase "same invention" having the same meaning as used in the context of statutory double-patenting under 35 U.S.C. § 101).

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant



Travis W. Thomas  
Reg. No. 48,667

Date: 20 May 2011

**Customer No. 12323**



Baker Botts L.L.P.  
2001 Ross Avenue, 6th Floor  
Dallas TX 75201

**MAILED**  
**JUN 07 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
PHILIPP	:	DECISION ON PETITION
Application No. 12/421,696	:	TO MAKE SPECIAL
Filed: April 10, 2009	:	37 CFR 1.102
Attorney Docket No. 080900.0201	:	

This is a decision on the petition under 37 CFR 1.102, filed May 20, 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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 12/421705  
Application Title: *Capacitive Touch Screen With Noise Suppression*  
First Named Inventor: Peter Sleeman  
Filing Date: 10 April 2009  
Confirmation No.: 5005  
Art Unit: 2629  
Examiner: Bipin H. Shalwala

**Petition to Make Special Under 37 C.F.R. § 1.102**

Applicant submits this Petition under 37 C.F.R. § 1.102 to have this Application accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at [http://www.uspto.gov/patents/init\\_events/brs\\_conditions.pdf](http://www.uspto.gov/patents/init_events/brs_conditions.pdf)*):

- a) Applicant seeks special status for this Application on the basis of the express abandonment of co-pending U.S. Patent Application No. 12/205175;
- b) Applicant includes with this Petition a copy of the Declaration of Abandonment of U.S. Patent Application No. 12/205175;
- c) The relationship between this Application and U.S. Patent Application No. 12/205175 that qualifies this Application for special status is this Application and U.S. Patent Application No. 12/205175 having a common assignee, Atmel Corporation;
- d) Applicant is expressly abandoning U.S. Patent Application No. 12/205175;
- e) Applicant certifies that Applicant has not filed petitions in more than 14 other applications requesting special status under this program; and
- f) Applicant agrees 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 and distinct inventions.

**Conclusion**

Applicant respectfully petitions the Office to accord this Application special status. The Commissioner may charge any fee due and credit any overpayment for this Application to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant

Handwritten signature of Travis W. Thomas, consisting of stylized initials 'T' and 'T' followed by a horizontal line.

Travis W. Thomas  
Reg. No. 48,667

Date: 18 March 2011

**Customer No. 12323**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 12/205175  
Application Title: *Semiconductor Processing*  
First Named Inventor: Lojek Bohumil  
Filing Date: 5 September 2008  
Confirmation No.: 6332  
Art Unit: 3742  
Examiner: Jianying Cui Atkisson

**Declaration of Abandonment Under 37 C.F.R. § 1.138(a)**

Applicant hereby expressly abandons this Application to have co-pending U.S. Patent Application No. 12/421705 accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at [http://www.uspto.gov/patents/init\\_events/brs\\_conditions.pdf](http://www.uspto.gov/patents/init_events/brs_conditions.pdf)*), Applicant states:

- a) Applicant has not and will not file an application that claims the benefit of U.S. Patent Application No. 12/205175 under any provision of Title 35 of the United States Code;
- b) Applicant agrees not to request a refund of any fees paid in U.S. Patent Application No. 12/205175; and
- c) Applicant has not filed and will not file a new application that claims the same invention claimed in U.S. Patent Application No. 12/205175 (with the phrase "same invention" having the same meaning as used in the context of statutory double-patenting under 35 U.S.C. § 101).

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant



Travis W. Thomas  
Reg. No. 48,667

Date: 18 March 2011

**Customer No. 12323**



Baker Botts L.L.P.  
2001 Ross Avenue, 6th Floor  
Dallas TX 75201

**MAILED**  
**MAR 29 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
SLEEMAN, et al. : **DECISION ON PETITION**  
Application No. 12/421,705 : **TO MAKE SPECIAL**  
Filed: April 10, 2009 : **37 CFR 1.102**  
Attorney Docket No. **080900.0203** :

This is a decision on the petition under 37 CFR 1.102, filed March 18, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
  - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
  - b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.



Brian W. Brown  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ALSTON & BIRD, LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

**MAILED**  
**FEB 28 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Johnny Allen Chattin, et. al. :  
Application No. 12/421,788 : **DECISION ON PETITION**  
Filed: April 10, 2009 :  
Attorney Docket No. 055016/370255 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2010, to revive the above-identified application.

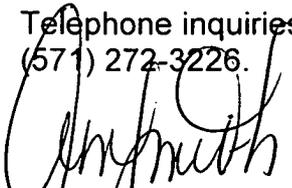
The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Greg Gronholm appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The application became abandoned for failure to file a timely reply to the Notice of Allowance and Fee(s) Due (Notice) mailed on August 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$755 for payment of the issue fee and \$300 for payment of the publication fee; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

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: 81186131 (67,600-120)	Application Number (if known): 12/421,868	Filing date: 4/10/2009
---	---	------------------------

First Named Inventor: Joseph Francis Valascho

Title: VEHICLE READY LIGHT CONTROL METHOD AND SYSTEM

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

- By filing this petition:  
  
**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: \_\_\_\_\_

Signature /RANDYW.TUNG/	Date 03/04/2011
-------------------------	-----------------

Name RANDY W. TUNG (Print/Typed)	Registration Number 31,311
----------------------------------	----------------------------

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/421,868	04/10/2009	Joseph Francis Valascho	81186131 (67,600-120)	5353
32997	7590	03/23/2011	EXAMINER	
TUNG & ASSOCIATES			BEHNCKE, CHRISTINE M	
838 WEST LONG LAKE, SUITE 120			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48302			3661	
			MAIL DATE	DELIVERY MODE
			03/23/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MAR 23 2011

TUNG & ASSOCIATES  
838 WEST LONG LAKE, SUITE 120  
BLOOMFIELD HILLS MI 48302

In re Application of :  
Joseph VALASCHO : DECISION ON PETITION  
Application No. 12/421,868 : TO MAKE SPECIAL UNDER  
Filed: April 10, 2009 : THE GREEN TECHNOLOGY  
Attorney Docket No. 81186131 (67,600-120) : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 8, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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 petition lacks items 3 and 4.

In regard to item 3, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

In regard to item 4, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. It appears that the vehicle ready light does not change the way a vehicle operates, or has any impact on the way a driver operates a vehicle. Since there is no statement on the materiality standard, it is unclear how a vehicle ready light would meet the materiality standard. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3661 for action in its regular turn.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

U.S.S.N. 12/421,868

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph Francis Valascho Group Art Unit: 3661

Serial No.: 12/421,868

Examiner: Not Yet Assigned

Filed: 04/10/2009

For: VEHICLE READY LIGHT CONTROL METHOD AND SYSTEM

Attorney Docket No.: 67,600-120 (81186131)

**CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office via Electronic Filing.

Randy W. Tung

Printed Name

Please forward all correspondence to



Signature

4/25/11

Date

TUNG & ASSOCIATES

838 W. Long Lake Road, Suite 120

Bloomfield Hills, MI 48302

**PETITION FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE  
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Assistant Commissioner  
for Patents  
P.O. Box 1450  
Alexandria, Va 22313-1450

Dear Sir:

In response to a Dismissal of the Petition filed 03/08/2011,  
under 37 CFR 1.102 for making the above-identified application  
special under the Pilot Program for applications pertaining to  
Green Technologies, the Applicants respectfully request of

U.S.S.N. 12/421,868  
reconsideration of the petition.

The petition was dismissed for not fulfilling requirement numbers 3 and 4 to qualify for special status in that "the basis for the special status is not stated" and the materiality standard is not met.

The basis for the special status for the instant invention is the material contribution to energy conservation and greenhouse gas reduction.

The Applicants hereby respectfully submit that the present application fulfills the special status that the invention materially contributes to energy conservation in enabling the proper operation of a hybrid electric vehicle.

As stated in the Application, paragraph 002 and 004:

[002] "Hybrid electric vehicles (HEVs) may include a vehicle ready light which is illuminated to indicate to a driver of the vehicle that the vehicle is ready to be operated. The light may be illuminated whenever the hybrid powertrain (either the engine or the electric traction drive) is enabled. A signal from the Powertrain Control Module indicates that the vehicle has been started by the driver and initiates and sustains illumination of

U.S.S.N. 12/421,868

the vehicle ready light, which remains illuminated until the vehicle ignition key is turned off. The purpose of the light is to warn the driver that, absent the noise and vibration of the engine, the vehicle is still operational and therefore, when the vehicle is placed into drive and the brake is released, the vehicle will move forward. However, the vehicle ready light may remain illuminated continually and annoy the driver, particularly at night. Moreover, because the vehicle ready light is on continually, the safety function of the light may be ignored as the light fades into the driver's background consciousness."

[004] The present disclosure is generally directed to a control method for a vehicle ready light of a hybrid electric vehicle. An illustrative embodiment of the control method includes providing a vehicle having a vehicle ready light and illuminating the vehicle ready light when a powertrain of the vehicle is enabled and at least one of the following conditions exists: the vehicle is in park mode or neutral mode; an engine RPM speed of the vehicle is below a predetermined RPM value and a wheel speed of the vehicle is below a predetermined wheel speed of the electric vehicle."

The Applicants therefore respectfully submit that the present invention discloses a technology to reduce energy consumption of the coolant heater to enable the proper operation

U.S.S.N. 12/421,868  
of the vehicle and therefore, materially contributes to energy  
conservation by such operation.

A reconsideration for making special of the present  
application under the Green Technology Pilot Program is  
respectfully requested of the Examiner.

In the event that the present invention as claimed is not in  
condition for allowance for any reason, the Examiner is  
respectfully invited to call the Applicants representative at his  
Bloomfield Hills, Michigan office at (248) 540-4040 such that  
necessary action may be taken to place the application in a  
condition for allowance.

Respectfully submitted,



Randy W. Tung,  
Registration No. 31311



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.
12/421,868	04/10/2009	Joseph Francis Valascho	81186131 (67,600-120)	5353
32997	7590	08/04/2011	EXAMINER	
TUNG & ASSOCIATES			SPISICH, GEORGE D	
838 WEST LONG LAKE, SUITE 120			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48302			3616	
			MAIL DATE	DELIVERY MODE
			08/04/2011	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.



TUNG & ASSOCIATES  
838 WEST LONG LAKE, SUITE 120  
BLOOMFIELD HILLS MI 48302

8/4/11

In re Application of	:	
Valascho et al.	:	
Application No. 12/421,868	:	DECISION ON PETITION
Filed: 4/10/2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 81186131 (67,600-120)	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 4/25/2011, 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 3616 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

*W*

*F207b*

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : 11/1/11

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/421,894 Patent No.: 8038472

CofC mailroom date: 10/28/11

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**

**RoChau Hardwick**  
Certificates of Correction Branch  
703-756-1580

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

**All changes apply.**

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: Changes are approved

\_\_\_\_\_  
\_\_\_\_\_

/Tulsidas C Patel/ 2839  
**SPE Art Unit**

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: 81185576 (67,600-117)	Application Number (if known): 12/421,895	Filing date: 4/10/2009
---	---	------------------------

First Named Inventor: John McCormick

Title: VACUUM ACCUMULATOR SYSTEM AND METHOD FOR REGENERATIVE BRAKING SYSTEM

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

- By filing this petition:  
  
**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**
- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: \_\_\_\_\_

Signature /RANDYW.TUNG/	Date 03/04/2011
-------------------------	-----------------

Name RANDY W. TUNG (Print/Typed)	Registration Number 31,311
----------------------------------	----------------------------

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/421,895	04/10/2009	John McCormick	81185576 (67600-117)	5396
32997	7590	03/15/2011		
TUNG & ASSOCIATES 838 WEST LONG LAKE, SUITE 120 BLOOMFIELD HILLS, MI 48302			EXAMINER LOOK, EDWARD K	
			ART UNIT	PAPER NUMBER
			3745	
			MAIL DATE	DELIVERY MODE
			03/15/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



TUNG & ASSOCIATES  
838 WEST LONG LAKE, SUITE 120  
BLOOMFIELD HILLS MI 48302

In re Application of	:	
MCCORMICK, JOHN et al	:	DECISION ON PETITION
Application No. 12/421,895	:	TO MAKE SPECIAL UNDER
Filed: April 10, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81185576(67600/117)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 8, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technology. This is not convincing. In particular, it is not clear how the claimed how an engine in a fluid communication with a vacuum accumulator of a booster system will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

U.S.S.N. 12/421,895

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John McCormick et al      Group Art Unit: 3745  
Serial No.: 12/421,895                      Examiner: Look, Edward  
Filed: 04/10/2009                              In Response to Office Action  
Dated: 03/15/2011

For: Vacuum Accumulator System and Method for Regenerative  
Attorney Docket No.: 67,600-117 (81185576)

**CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office via Electronic Filing.

Randy W. Tung  
Printed Name  
Please forward all correspondence to



Signature

4/12/11  
Date

TUNG & ASSOCIATES  
838 W. Long Lake Road, Suite 120  
Bloomfield Hills, MI 48302

**PETITION FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE  
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Assistant Commissioner  
for Patents  
P.O. Box 1450  
Alexandria, Va 22313-1450

Dear Sir:

In response to a Dismissal of the Petition filed 03/15/2011, under 37 CFR 1.102 for making the above-identified application special under the Pilot Program for applications pertaining to Green Technologies, the Applicants respectfully request of reconsideration of the petition.

U.S.S.N. 12/421,895

The petition was dismissed for not fulfilling requirement number 4 to qualify for special status in that the materiality standard is not met.

The Applicants hereby respectfully submit that the present application fulfills the special status that the invention materially contributes to energy conservation in enabling the proper operation of a hybrid electric vehicle.

As stated in the Application, paragraph 002:

"Therefore, a vacuum accumulator system and method is needed in which the run time of a vacuum pump, and consequently, **energy consumption of the pump, is reduced** by the storage and use of excess engine vacuum pressure to augment the vacuum pressure which is distributed to the booster in a regenerative braking system."

The Applicants therefore respectfully submit that the present invention discloses a technology to reduce the energy consumption of the vacuum pump by using excess engine vacuum pressure to enable the proper operation of the vehicle and therefore, materially contributes to energy conservation by such

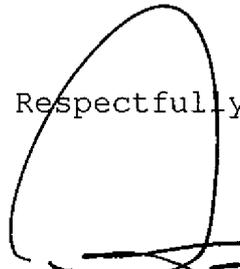
U.S.S.N. 12/421,895

operation.

A reconsideration for making special of the present application under the Green Technology Pilot Program is respectfully requested of the Examiner.

In the event that the present invention as claimed is not in condition for allowance for any reason, the Examiner is respectfully invited to call the Applicants representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,



---

Randy W. Tung,  
Registration No. 31311



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.
12/421,895	04/10/2009	John McCormick	81185576 (67600-117)	5396
32997	7590	05/04/2011	EXAMINER	
TUNG & ASSOCIATES			LOOK, EDWARD K	
838 WEST LONG LAKE, SUITE 120			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48302			3745	
			MAIL DATE	DELIVERY MODE
			05/04/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



TUNG & ASSOCIATES  
838 WEST LONG LAKE, SUITE 120  
BLOOMFIELD HILLS MI 48302

In re Application of :  
MCCORMICK, JOHN et al :  
Application No. 12/421,895 :  
Filed: April 10, 2009 :  
Attorney Docket No. 81185576(67600/117) :  
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 April 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.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The 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 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

**MAILED**

**DEC 14 2010**

**OFFICE OF PETITIONS**

Applicant: Tardieu et al.  
Appl. No.: 12/421,919  
Filing Date: April 10, 2009  
Title: METHOD AND DEVICE FOR PLACING DENTAL IMPLANTS  
Attorney Docket: 50304/043002  
Pub. No.: US 2010/0009314 A1  
Pub. Date: January 14, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 15, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error at page 4 of the specification wherein "template 1" should be "template 11".

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 requested with respect to page 4, where "template 1" should be "template 11" is not a material mistake in the publication made by the Office under 37 CFR 1.221(b). The correct listing of the phase is listed throughout the paragraph, thus one of ordinary skill in the art would clearly understand the nature of the typographical error. This error therefore does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to 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).

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.

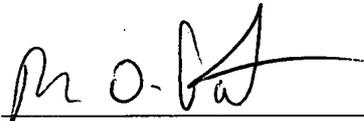
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<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.”

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.



---

Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



PATRICIA M. COSTANZO  
PATS PENDING  
P.O. BOX 101  
ELMA NY 14059

**MAILED**

**MAR 08 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
HUBER, Paul W. et al.	:	
Application No. 12/421,945	:	DECISION ON PETITION
Filed: April 10, 2009	:	TO WITHDRAW
Attorney Docket No. HuberP_P_3_07	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then an updated Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request. X'POLE PRECISION TOOLS, INC. is not listed as the assignee in our database.

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.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: X'POLE PRECISION TOOLS, INC.  
3, PEI YAUN 2 ROAD  
CHUNG-LI INDUSTRIAL DISTRICT  
CHUNG-LI  
TAIWAN



## UNITED STATES 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 : January 20, 2012

In re Application of :

Paul Huber

Application No : 12421945

Filed : 10-Apr-2009

Attorney Docket No : HuberP\_P\_3\_07

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 January 20, 2012

The request is **APPROVED**.

The request was signed by Patricia M. Costanzo (registration no. 48809) on behalf of all attorneys/agents associated with Customer Number 34442. All attorneys/agents associated with Customer Number 34442 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 Paul W. Huber  
Name2  
Address 1 2885 Commerce Drive  
Address 2  
City Alden  
State NY  
Postal Code 14004  
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	12421945	
Filing Date	10-Apr-2009	
First Named Inventor	Paul Huber	
Art Unit	3723	
Examiner Name	DUNG NGUYEN	
Attorney Docket Number	HuberP_P_3_07	
Title	Multi-Shell Air-Tight Compartmentalized Casings	
<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:		34442
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	Paul W. Huber	
Address	2885 Commerce Drive	
City	Alden	
State	NY	
Postal Code	14004	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Patricia M. Costanzo/
Name	Patricia M. Costanzo
Registration Number	48809

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:**20110523

**DATE** : May 23, 2011

**TO SPE OF** : ART UNIT 2622

**SUBJECT** : Request for Certificate of Correction on Patent No.: 7,903,159

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:**

/SINH TRAN/  
Supervisory Patent Examiner.Art Unit 2622



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 CONNECTICUT AVENUE, NW  
SUITE 700  
WASHINGTON DC 20036

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of :  
Yoshiharu Yoshizawa, et al. :  
Application No. 12/421,968 : DECISION GRANTING PETITION  
Filed: April 10, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 090470 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 27, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on September 16, 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 2816 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.*



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.
12/422,012	04/10/2009	Robert L. Lewis	2006228-0017	5717

24280	7590	10/15/2010
CHOATE, HALL & STEWART LLP		
TWO INTERNATIONAL PLACE		
BOSTON, MA 02110		

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
1615	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lbradley@choate.com  
patentdocket@choate.com  
jhess@choate.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

CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110

Applicant: Lewis et al.  
Appl. No.: 12/422,012  
Filing Date: April 10, 2009  
Title: PHOSPHATE-BINDING MAGNESIUM SALTS AND USES THEREOF  
Attorney Docket No.: 2006228-0017  
Pub. No.: US 2009/0269399 A1  
Pub. Date: October 29, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 5, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

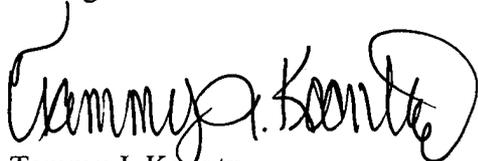
[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz  
Office of Data Management  
United States Patent & Trademark Office

Adjustment date: 10/18/2010 KKING1  
10706/2010 INTEFSW 00002513 12422012  
01 FC:1504 -300.00 DP

Refund Ref: 0030089678  
10/18/2010

-----  
Credit Card Refund Total: \$300.00

VISA.....: XXXXXXXXXXXXX7085



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

Muncy, Geissler, Olds & Lowe, PLLC  
4000 Legato Road  
Suite 310  
FAIRFAX VA 22033

**MAILED**

**NOV 08 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Chen :  
Application No. 12/422,049 : DECISION ON PETITION  
Filed: April 10, 2009 : PURSUANT TO  
Attorney Docket No.: : 37 C.F.R. § 1.137(B)  
5545/0299PUS1 :  
Title: POWER SUPPLY FIXING :  
DEVICE :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed May 12, 2010, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed July 17, 2009, which set a shortened statutory period for reply of two 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 September 18, 2009. A notice of abandonment was mailed on March 29, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (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.

#### Petition fee requirement

The fee for filing a petition to revive an unintentionally abandoned application under 37 C.F.R. § 1.137(b), at the time when this petition was filed, is set forth in 37 C.F.R. § 1.17(m) as being \$1620 for a large entity and \$810 for a small entity. There is no record of the petition fee being included with this petition.<sup>1</sup> Moreover, a general authorization to charge any fee deficiencies to a Deposit Account has not been located in the electronic file.

The payment of the required petition fee in full is a prerequisite to the filing of a petition to revive pursuant to 37 C.F.R. § 1.137. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature. See M.P.E.P. § 711.03(c)(III)(B), which sets forth, *in toto*:

35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), **the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived** (emphasis added).

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

---

<sup>1</sup> See Electronic Patent Application Fee Transmittal and Electronic Acknowledgement Receipt, each dated May 12, 2010.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

The phrase "unless the petition is filed under [35 U.S.C.] 133 or 151" signifies that petitions to revive filed on the basis of "unavoidable" delay (under 35 U.S.C. 133 or 151) are a subset of petitions to revive filed on the basis of unintentional delay. That is, "unavoidable" delay and "unintentional" delay are not alternatives; "unavoidable" delay is the epitome of "unintentional" delay. Any petition to revive an abandoned application or lapsed patent must meet the minimal "unintentional" delay threshold, and an applicant need only pay the fee specified in 37 CFR 1.17(l) (rather than the fee specified in 37 CFR 1.17(m)) if the petition is also accompanied by an adequate showing that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a), was unavoidable.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The fee for filing a petition to revive an unintentionally abandoned application under 37 C.F.R. § 1.137(b), at the present time, is set forth in 37 C.F.R. § 1.17(m) as being \$1620 for a large entity and \$810 for a small entity.

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,<sup>2</sup> hand-delivery,<sup>3</sup> or facsimile.<sup>4</sup> Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.<sup>5</sup>

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.<sup>6</sup> All other inquiries

---

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.

5 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

Muncy, Geissler, Olds & Lowe, PLLC  
4000 Legato Road  
Suite 310  
FAIRFAX VA 22033

**MAILED**

**JAN 03 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Chen :  
Application No. 12/422,049 : DECISION ON RENEWED PETITION  
Filed: April 10, 2009 : PURSUANT TO  
Attorney Docket No.: : 37 C.F.R. § 1.137(B)  
5545/0299PUS1 :  
Title: POWER SUPPLY FIXING :  
DEVICE :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed November 12, 2010, to revive the above-identified application.

This renewed petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed July 17, 2009, which set a shortened statutory period for reply of two 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 September 18, 2009. A notice of abandonment was mailed on March 29, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the

required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition was submitted on May 12, 2010, along with the filing, search, and examination fees, the surcharge associated with the late submission of the same, the proper statement of unintentional delay, a properly executed declaration, the fee associated with the submission of a specification of excessive length, and the fees associated with the submission of excess total claims and multiple dependent claims.

The original petition was dismissed via the mailing of a decision on November 8, 2010, as the petition fee was not included with the original petition.

With this renewed petition, the petition fee has been included in full.

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 Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP. Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

---

<sup>1</sup> See Rule 1.137(d).

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.<sup>2</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

<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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/2/2010

Paper No. : \_\_\_\_\_

TO SPE OF : ART UNIT 3773 Ho Ogen (Sackie) SPE

SUBJECT : Request for Certificate of Correction for Appl. No. 12/422089 Patent No. 7806905

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-A  
Palm Location 7580

HL Rly  
\_\_\_\_\_  
Certificates of Correction Branch  
703-756-1571 \_\_\_\_\_

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: This change does not apply: "At col.23, claim 71, line 1, replace '61' with --67--."

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

/Corrine McDermott/

3773

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

DON J. PELTO  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
1300 I STREET, NW  
11TH FLOOR EAST  
WASHINGTON, DC 20005

**MAILED**  
**JUL 05 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
John A. Giordano, et al. :  
Application No. 12/422,091 : DECISION ON PETITION  
Filed: April 10, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No.: 14ME-147260 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 13, 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 **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) and (iii) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy items (1) above.

In this regard, the reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an

application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:                    Mail Stop PETITIONS  
                                  Commissioner for Patents  
                                  Post Office Box 1450  
                                  Alexandria, VA 22313-1450

By hand:                    Customer Service Window  
                                  Mail Stop Petitions  
                                  Randolph Building  
                                  401 Dulany Street  
                                  Alexandria, VA 22314

By fax:                     (571) 273-8300  
                                  ATTN: Office of Petitions

By Internet:                EFS-Web<sup>1</sup>

Telephone inquiries concerning this decision should be directed to Sherry Brinkley at (571) 272-3204.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES 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)

**MAILED**

**JUL 22 2011**

**OFFICE OF PETITIONS**

DON J. PELTO  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
1300 I STREET, NW  
11TH FLOOR EAST  
WASHINGTON, DC 20005

In re Application of :  
John A. Giordano, et al. :  
Application No. 12/422,091 : DECISION ON PETITION  
Filed: April 10, 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No.: 14ME-134524 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 12, 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) and (iii) of the prior-filed application(s), unless previously submitted;<sup>1</sup>
- (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.

---

<sup>1</sup> Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14).

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(s) 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(s). In order for this application to be entitled to the benefit of the prior-filed application(s), 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(s) should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application(s) noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1629 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.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning the status of the application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley  
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: 12/422,091, 04/10/2009, 1629, 3208, 14ME-147260, 54, 4

CONFIRMATION NO. 5914

CORRECTED FILING RECEIPT



68850
DON J. PELTO
Sheppard, Mullin, Richter & Hampton LLP
1300 I STREET, NW
11TH FLOOR EAST
WASHINGTON, DC 20005

Date Mailed: 07/20/2011

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)

John A. Giordano, West Orange, NJ;
Charles J. Balzer, West Orange, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 68850

Domestic Priority data as claimed by applicant

This application is a CIP of 11/928,610 10/30/2007
which is a CON of 10/916,534 08/12/2004 PAT 7,560,123

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/11/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/422,091

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

KITS AND METHODS FOR NUTRITION SUPPLEMENTATION

**Preliminary Class**

514

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

LUCE, FORWARD, HAMILTON & SCRIPPS, LLP  
2050 MAIN STREET  
SUITE 600  
IRVINE, CA 92614

**MAILED**

OCT 21 2010

**OFFICE OF PETITIONS**

In re Application of  
David A. Ferrere  
Application No. 12/422,105  
Filed: April 10, 2009  
Attorney Docket No. MDFR.005A

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Luce, Forward, Hamilton & Scripps, LLP has been revoked by the assignee of the patent application on September 20, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Jones IP Group  
2225 East Bayshore Road  
Suite 205  
Palo Alto CA 94303

**MAILED**

**JUN 15 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Saunders et al. :  
Application No.12/422,157 :  
Filed: April 10, 2009 :  
Attorney Docket Number: DROPPP 008A :

**ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 4, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This above-identified application became abandoned for failure to file a complete response to a Notice to File Missing Parts, which was mailed on April 28, 2009. The Notice to File Missing Parts set an extendable two (2) month period for reply. A five month extension of time was obtained under the provisions of 37 CFR §1.136(a). A Notice of Abandonment was mailed December 31, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

As to item (1) a review of the record shows that the Office is not in receipt of the statement pursuant to 37 CFR 1.125(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Jones IP Group  
2225 East Bayshore Road  
Suite 205  
Palo Alto CA 94303

**MAILED**  
**AUG 24 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Saunders et al. :  
Application No.12/422,157 :  
Filed: April 10, 2009 :  
Attorney Docket Number: DROPPP 008A :

ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a complete response to a Notice to File Missing Parts, which was mailed on April 28, 2009. The Notice to File Missing Parts set an extendable two (2) month period for reply. A five month extension of time was obtained under the provisions of 37 CFR §1.136(a). A Notice of Abandonment was mailed December 31, 2009. A petition filed under 37 CFR 1.137(b) was dismissed on June 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the substitute specification, statement pursuant to 37 CFR 1.125(b) and filing fees (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant  
Petitions Attorney  
Office of Petitions

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO**

Application No:	12/422,179	Filing date:	04/10/09
First Named Inventor:	Martin Neal Adams		

Title of the Invention: **VALVE LOADER METHOD, SYSTEM, AND APPARATUS**

**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/US2010/030131**

The international filing date of the corresponding PCT application(s) is/are: **04/06/10**

**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 EPO AND THE USPTO**

(continued)

Application No.: 12/422,179

First Named Inventor: Martin Neal Adams

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 09/15/10

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

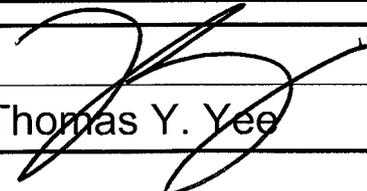
Are attached.

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, 2, and 4	Dep. Claims 2 & 4 have been incorporated into ind. Claim 1; Claim 4 found allowable
2 - Canceled		
3 - Canceled		
4 - Canceled		
5	5	Same or similar scope
6	6	Same or similar scope
7	7	Same or similar scope
8	8	Same or similar scope
9	9	Same or similar scope
10	10	Same or similar scope
11	11	Same or similar scope
12	12	Same or similar scope
13	13	Same or similar scope
14	14	Same or similar scope
15	15	Same or similar scope
16	16	Same or similar scope
17	17	Same or similar scope
18	18	Same or similar scope
19-20 - Canceled		

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature 	Date 1/10/2011
Name (Print/Typed) Thomas Y. Yee	Registration Number 57,013

## 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.

ATTACHMENT

A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in PCT application no. PCT/US2010/030131

WHAT IS CLAIMED IS:

---

1. A deployment catheter for the deployment of a medical device, the deployment catheter comprising:
  - a catheter shaft comprising a proximal end and a distal end;
  - a cavity inside a distal portion of the catheter shaft adapted to receive a medical device; and,
  - a locator marking disposed along a distal portion of the catheter shaft, the locator marking being viewable from an outside of the catheter shaft, and the locator marking corresponding to an approximate deployment site of the medical device disposed within the catheter shaft.
2. The catheter of claim 1, wherein the locator marking comprises one or more pigmented bands.
3. The catheter of claim 2, wherein at least one of the pigmented bands is yellow.
4. The catheter of claim 2, wherein the pigmented bands comprise a yellow pigmented band with two black pigmented bands disposed on either side of the yellow pigmented band.
5. The catheter of claim 1, wherein the catheter shaft further comprises a stabilization wire extending within the catheter shaft.
6. The catheter of claim 5, wherein the catheter shaft retracts relative to the stabilization wire during deployment of the medical device.
7. The catheter of claim 1, wherein the medical device is a valve.
8. The catheter of claim 1 further comprising a rigid tip disposed at the distal end of the cavity inside the catheter shaft, the rigid tip able to accommodate at least a portion of the medical device loaded therein.
9. The catheter of claim 8 further comprising an at least partially transparent segment disposed between the locator marking and the rigid tip, the at least partially transparent segment permitting visualization of at least a portion of the cavity near the distal end of the catheter shaft.

10. The catheter of claim 1, wherein the catheter shaft further comprises a strain relief tube extending over at least a proximal portion of the catheter shaft.
11. The catheter of claim 10, wherein the strain relief tube comprises a lubricious material.
12. The catheter of claim 11, wherein the lubricious material is polytetrafluoroethylene.
13. The catheter of claim 10, wherein the thickness of the strain relief tube fills substantially all of the distance between an outer surface of the delivery catheter and an inner surface of a bronchoscope into which the catheter is inserted.
14. The catheter of claim 13, wherein the delivery catheter is disposed within a working channel of the bronchoscope and wherein the bronchoscope is a 2.0mm bronchoscope.
15. The catheter of claim 13, wherein the delivery catheter is disposed within a working channel of the bronchoscope and wherein the bronchoscope is a 2.6mm bronchoscope.
16. The catheter of claim 13, wherein a clearance between an outer surface of the strain relief tube and an inner lumen surface of the bronchoscope is between 0.5% and 3%.
17. The catheter of claim 13, wherein a clearance between an inner surface of the strain relief tube and an outer surface of the delivery catheter is between 1.8% to 5.1%.
18. The catheter of claim 1, wherein the distal portion of the catheter shaft further comprises at least a segment of coils.
19. A method of deploying a medical device in a lung, comprising
  - loading a medical device into a distal end of a catheter, the catheter comprising locator markings corresponding to a location of the medical device;
  - inserting the catheter into a bronchoscope;
  - directing the bronchoscope to a portion of a lung to be treated with the medical device;
  - aligning the locator markings with the portion of a lung to be treated; and
  - deploying the medical device at the portion of a lung to be treated.
20. The method of claim 19, wherein the medical device is a one-way valve.

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:  
 KNOBBE, MARTENS, OLSON  
 Attn. Delaney, Karoline A.  
 AND BEAR, LLP  
 2040 Main Street, Fourteenth Floor  
 Irvine, CA 92614  
 ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMITTAL OF  
 THE INTERNATIONAL SEARCH REPORT AND  
 THE WRITTEN OPINION OF THE INTERNATIONAL  
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

	Date of mailing <i>(day/month/year)</i> 18/06/2010
Applicant's or agent's file reference SPIRTN044QPC	<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. PCT/US2010/030131	International filing date <i>(day/month/year)</i> 06/04/2010
Applicant SPIRATION, INC.	

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

**For more detailed instructions, see the notes on the accompanying sheet.**

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3.  **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer Elisabetta Sulis
--	--

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, International Phase, paragraph 296).

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/PEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference SPIRTN044QPC	<b>FOR FURTHER ACTION</b>		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2010/030131	International filing date (day/month/year) 06/04/2010	(Earliest) Priority Date (day/month/year) 10/04/2009	
Applicant SPIRATION, INC.			

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 6 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 43.6b/s(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(b), 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. 29a  
 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 figures is to be published with the abstract

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2010/030131

### Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

A medical device deployment catheter (702) with a distal portion with a locator marking (802,803) that permits accurate placement of the medical device. The locator marking may comprise a yellow pigmented band (803) with two black pigmented bands (802) disposed on either side of the yellow pigmented band. The catheter may further comprise a rigid tip (716) disposed at the distal end of the cavity inside the catheter shaft, the rigid tip able to accommodate at least a portion of the medical device loaded therein, wherein a at least partially transparent segment (801) disposed between the locator marking and the rigid tip, the at least partially transparent segment permitting visualization of at least a portion of the cavity near the distal end of the catheter shaft. The catheter shaft may further comprise a strain relief tube extending over at least a proximal portion of the catheter shaft.

**A. CLASSIFICATION OF SUBJECT MATTER**  
INV. A61F2/24 A61F2/84  
ADD.

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)  
A61F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 97/09932 A1 (BOSTON SCIENT CORP [US]) 20 March 1997 (1997-03-20)	1,2
Y	page 8, lines 5-18 page 14, lines 6-17 figures 1-7	3,5-18
X	US 2008/132989 A1 (SNOW DAVID W [US] ET AL) 5 June 2008 (2008-06-05)	1,18
Y	paragraph [0047]; figure 1c	2,3,5-18
Y	US 2005/096721 A1 (MANGIN STEPHEN P [US] ET AL) 5 May 2005 (2005-05-05)	2,3
	paragraphs [0022], [0024]	
	-/--	

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 document 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 another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

10 June 2010

Date of mailing of the international search report

18/06/2010

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040,  
Fax: (+31-70) 340-3016

Authorized officer

Prechtel, A

(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 2004/080347 A2 (SPIRATION INC [US]; GORDON LUCAS S [US]; KUTSKO JAMES M [US]; DILLARD) 23 September 2004 (2004-09-23) paragraphs [0008] - [0009], [0045] - [0047], [0051], [0053]; figures 2,3	5-7, 10-18
Y	US 2004/127912 A1 (RABKIN DMITRY [US] ET AL) 1 July 2004 (2004-07-01) figures 4A-4D and description thereof	8,9
A	WO 96/37167 A1 (RAYCHEM CORP [US]) 28 November 1996 (1996-11-28) page 12, lines 20-22	8,9
X,P	WO 2009/049261 A1 (SPIRATION INC [US]; ADAMS MARTIN NEAL [US]; O'CONNELL DESMOND [US]; KU) 16 April 2009 (2009-04-16) paragraphs [0095] - [0115]; figure 1	1-3,5-8, 10-13,18

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2010/030131

## Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: **19**  
because they relate to subject matter not required to be searched by this Authority, namely:  
**Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery**
2.  Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

- The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- No protest accompanied the payment of additional search fees.

## Information on patent family members

International application No

PCT/US2010/030131

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9709932	A1	20-03-1997	AT 330541 T	15-07-2006
			CA 2231683 A1	20-03-1997
			DE 69636287 T2	09-11-2006
			EP 0850022 A1	01-07-1998
			JP 3822243 B2	13-09-2006
			JP 11512318 T	26-10-1999
			US 2009177264 A1	09-07-2009
			US 5702418 A	30-12-1997
			US 7517361 B1	14-04-2009
US 2008132989	A1	05-06-2008	EP 2148635 A2	03-02-2010
			WO 2008147602 A2	04-12-2008
US 2005096721	A1	05-05-2005	EP 1680048 A2	19-07-2006
			WO 2005044076 A2	19-05-2005
WO 2004080347	A2	23-09-2004	AU 2004220453 A1	23-09-2004
			CA 2518862 A1	23-09-2004
			EP 1610712 A2	04-01-2006
			JP 2006519665 T	31-08-2006
			US 2004210248 A1	21-10-2004
US 2004127912	A1	01-07-2004	AU 2003299725 A1	29-07-2004
			EP 1587446 A2	26-10-2005
			WO 2004060442 A2	22-07-2004
			US 2005119721 A1	02-06-2005
WO 9637167	A1	28-11-1996	DE 69633263 D1	07-10-2004
			DE 69633263 T2	08-09-2005
			EP 0773754 A1	21-05-1997
			JP 10503411 T	31-03-1998
			US 5833694 A	10-11-1998
WO 2009049261	A1	16-04-2009	US 2009099530 A1	16-04-2009

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)**

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2010/030131

International filing date (day/month/year)  
06.04.2010

Priority date (day/month/year)  
10.04.2009

International Patent Classification (IPC) or both national classification and IPC  
INV. A61F2/24 A61F2/84

Applicant  
SPIRATION, INC.

**1. This opinion contains indications relating to the following items:**

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has 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.**

<p>Name and mailing address of the ISA:</p> <div style="text-align: center;">  <p>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465</p> </div>	<p>Date of completion of this opinion</p> <p style="text-align: center;">see form PCT/ISA/210</p>	<p>Authorized Officer</p> <p style="text-align: center;">Prechtel, A</p> <p style="text-align: center;">Telephone No. +49 89 2399-2332</p> <div style="text-align: right;">  </div>
--	---	--

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2010/030131

---

**Box No. I Basis of the opinion**

---

1. With regard to the **language**, this opinion has been established on the basis of:
  - the international application in the language in which it was filed
  - a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2.  This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)
    - on paper
    - in electronic form
  - b. (time)
    - in the international application as filed
    - together with the international application in electronic form
    - 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/US2010/030131

---

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

---

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

- the entire international application
- claims Nos. 19

because:

- the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search (*specify*):
- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):
- no international search report has been established for the whole application or for said claims Nos. 19
- a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:
  - furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
  - furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.
  - pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b).
- See Supplemental Box for further details

---

**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)	Yes: Claims	<u>4, 9, 14-17</u>
	No: Claims	<u>1-3, 5-8, 10-13, 18</u>
Inventive step (IS)	Yes: Claims	<u>4</u>
	No: Claims	<u>1-3, 5-18</u>
Industrial applicability (IA)	Yes: Claims	<u>1-18</u>
	No: Claims	

2. Citations and explanations

see separate sheet

---

**Box No. VI Certain documents cited**

---

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

---

**Box No. VII Certain defects in the international application**

---

The following defects in the form or contents of the international application have been noted:

see separate sheet

---

**Box No. VIII Certain observations on the international application**

---

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item III

**Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

**Claims 19-20** deal with a method of deploying a medical device in a lung, which inevitably constitutes a surgical act. Therefore the subject-matter of these claims has not been searched (Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery).

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1 The following documents are cited:

**D1:** WO 97/09932 A1 (BOSTON SCIENT CORP [US]) 20 March 1997

**D2:** US 2008/132989 A1 (SNOW DAVID W [US] ET AL) 5 June 2008

**D3:** US 2005/096721 A1 (MANGIN STEPHEN P [US] ET AL) 5 May 2005

**D4:** WO 2004/080347 A2 (SPIRATION INC ) 23 September 2004

**D5:** US 2004/127912 A1 (RABKIN DMITRY [US] ET AL) 1 July 2004

**D6:** WO 96/37167 A1 (RAYCHEM CORP [US]) 28 November 1996

2 The subject-matter of independent **claim 1** is not new in the sense of Art. 33 (1,2) PCT as closest prior art document **D1** discloses all features of **claim 1**: "

A deployment catheter for the deployment of a medical device (**Fig. 1, delivery system 19**), the deployment catheter comprising; a catheter shaft comprising a proximal end and a distal end(**shaft/sheath 24**) ;a cavity (**see Fig. 1**) inside a distal portion of the catheter shaft adapted to receive a medical device (**device/stent 20**); and, a locator marking disposed along a distal portion of the catheter shaft, the locator marking being viewable from an outside of the catheter shaft, and the locator marking corresponding to an approximate deployment site of the medical device disposed within the catheter shaft (**page 14, lines 10-17**)."

It should be noted that Prior art document **D2** also discloses the subject-matter of **claim 1** (par. [0047]).

- 3 Dependent **claims 2-3, 5-18** do not appear to contain any additional features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of novelty and/or inventive step since all their additional features are also disclosed in the prior art documents (see passages cited in the Search Report).

#### **Re Item VI**

##### **Certain documents cited**

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 2009/049261	16/04/2009	10/10/2008	12/10/2007

#### **Re Item VII**

##### **Certain defects in the international application**

- Independent **claim 1** is not in the two-part form contrary to Rule 6.3(b) PCT.
- The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- The relevant background art **D1-D4** is not disclosed (Rule 5.1(a)(ii) PCT).

#### **Re Item VIII**

##### **Certain observations on the international application**

The claims are not clear for the following reasons (Art. 6 PCT):

- Although **claims 14-17** are directed to a deployment device, they define features of a bronchoscope, which is not a part of the deployment device. Therefore it is unclear (Art. 6 PCT) whether this claim should be directed to a combination of a deployment device and a bronchoscope or only to one of both devices.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

---

**General information** For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.

---

**Amending claims under Art. 19 PCT** Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.

---

**Filing a demand for international preliminary examination** In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).

If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).

---

**Filing informal comments** After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.

---

**End of the international phase** At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPEA (international preliminary examination report).

---

**Relevant PCT Rules and more information** Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003



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.
12/422,179	04/10/2009	Martin Neal Adams	SPIRTN.044CP1	6110
20995	7590	01/13/2011	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			WOO, JULIAN W	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR			3773	
IRVINE, CA 92614			NOTIFICATION DATE	DELIVERY MODE
			01/13/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcarter@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.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

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

In re Application of :  
ADAMS, MARTIN NEAL et al : DECISION ON REQUEST TO  
Application No. 12/422,179 : PARTICIPATE IN PATENT  
Filed: April 10, 2009 : PROSECUTION HIGHWAY  
Attorney Docket No. SPIRTN.044CP1 : PILOT PROGRAM AND PETITION  
For: VALVE LOADER METHOD, SYSTEM, : TO MAKE SPECIAL UNDER  
AND APPARATUS : 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 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 disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Jackie Ho, the SPE of Art Unit 3773 and (571)272-4696 for Class 623/2 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY AND POPEO, P.C  
ONE FINANCIAL CENTER  
BOSTON MA 02111

**MAILED**

MAR 23 2012

**OFFICE OF PETITIONS**

In re Application of :  
Behzad Mohebbi :  
Patent Number: 8,086,174 :  
Issue Date: 12/27/2011 :  
Application No. 12/422221 :  
Filing or 371(c) Date: 04/10/2009 :  
Attorney Docket No. :  
35928-502C01US :

**DECISION ON REQUEST FOR  
RECONSIDERATION OF  
PATENT TERM ADJUSTMENT  
and  
NOTICE OF INTENT TO ISSUE  
CERTIFICATE OF CORRECTION**

This is a decision on the petition filed on February 17, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one hundred fifteen (115) 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 one hundred fifteen (115) days is **GRANTED**.

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 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 **one hundred fifteen (115) days**.

Patent No. 8,086,174

Application No. 12/422221

Page 2

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 DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 8,086,174 B2

DATED : December 27, 2011

INVENTOR(S) : Mohebbi

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 94 days.

Delete the phrase "by 94 days" and insert -- by 115 days--



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.
12/422,360	04/13/2009	Patrick J. Treado	CIM 116 US CON	6513
76085	7590	06/10/2011	EXAMINER	
CHEMIMAGE CORPORATION			EVANS, FANNIE L	
7301 PENN AVENUE			ART UNIT	PAPER NUMBER
PITTSBURGH, PA 15208			2877	
			NOTIFICATION DATE	DELIVERY MODE
			06/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

biedingerk@chemimage.com  
dempsterc@chemimage.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)

Paper No. 20110608

CHEMIMAGE CORPORATION  
7301 PENN AVENUE  
PITTSBURGH PA 15208

In re Application of:  
Patrick TREADO et al.  
Serial No.: 12/422,360  
Filed: April 13, 2009  
Attorney Docket No.: CIM 116 US CON

::  
:: PETITION TO ACCEPT COLOR  
: DRAWINGS  
UNDER 37 CFR § 1.84(a)(2)

This is a decision on the petition May 10, 2011 to accept color drawings under 37 CFR § 1.84(a)(2).

The petition is granted and the drawings have been accepted.

  
\_\_\_\_\_  
Gregory J. Toatley, Jr.  
Supervisory Patent Examiner,  
Art Unit 2877



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.
12/422,360	04/13/2009	Patrick J. Treado	CIM 116 US CON	6513
76085	7590	06/10/2011	EXAMINER	
CHEMIMAGE CORPORATION			EVANS, FANNIE L	
7301 PENN AVENUE			ART UNIT	PAPER NUMBER
PITTSBURGH, PA 15208			2877	
			NOTIFICATION DATE	DELIVERY MODE
			06/10/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

biedingerk@chemimage.com  
dempsterc@chemimage.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)

Paper No. 20110608

CHEMIMAGE CORPORATION  
7301 PENN AVENUE  
PITTSBURGH PA 15208

In re Application of:  
Patrick TREADO et al.  
Serial No.: 12/422,360  
Filed: April 13, 2009  
Attorney Docket No.: CIM 116 US CON

::  
:: PETITION TO ACCEPT COLOR  
: DRAWINGS  
UNDER 37 CFR § 1.84(a)(2)

This is a decision on the petition May 10, 2011 to accept color drawings under 37 CFR § 1.84(a)(2).

The petition is granted and the drawings have been accepted.

Gregory J. Toatley, Jr.  
Supervisory Patent Examiner,  
Art Unit 2877



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MICHAEL BEST & FRIEDRICH LLP  
Two Prudential Plaza  
180 North Stetson Avenue, Suite 2000  
CHICAGO IL 60601

**MAILED**

**AUG 18 2011**

**OFFICE OF PETITIONS**

In re Patent No. 7,980,589

Issue Date: July 19, 2011

Application No. 12/422,389

Filed: April 13, 2009

Attorney Docket No. **203340-9014-US02**

ON PETITION

This is a decision on the petition filed August 5, 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 **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction filed August 5, 2011.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

<sup>1</sup> See *Official Gazette* of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Huawei Technologies Co., Ltd./Finnegan  
901 New York Avenue, NW  
Washington DC 20001

**MAILED**

**JUL 19 2011**

**PCT LEGAL ADMINISTRATION**

In re Application of :  
Long : DECISION PETITION  
Application No. 12/422,466 :  
Filed: April 13, 2009 : UNDER 37 CFR 1.55(c)  
Attorney Docket No. 11005.0023 :

This is a decision on the petition under 37 CFR 1.55(c), filed January 7, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of the filing date of foreign (Chinese) Application No. 200710073029.2, filed January 23, 2007.

The petition is **DISMISSED** as moot for the reason stated below.

The instant petition is unnecessary since the change to the claim for priority sought by applicants does not alter the priority date, but merely changes the indication of the priority application number.

In view of the above, the instant petition is dismissed as involving a moot issue. Consequently, no petition fee is required.

This matter is being referred to Technology Center AU 2473 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

A Corrected Filing Receipt which reflects the above-noted foreign application accompanies this decision on petition.

Any inquiries directly pertaining to this matter may be directed to George Dombroske.

/G. Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
(571) 272-3283

/Bryan Lin/  
Bryan Lin  
PCT Legal Examiner  
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: \_\_\_\_\_

DATE : 4/28/2011

TO SPE OF : ART UNIT 1624 James Wilson (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/422529 Patent No.: 7923456

CofC mailroom date: 4/21/2011

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

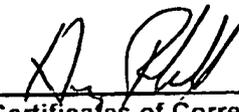
Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)  
Randolph Square - 9D10-A  
Palm Location 7580

  
\_\_\_\_\_  
Certificates of Correction Branch  
703-756-1571 \_\_\_\_\_

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.

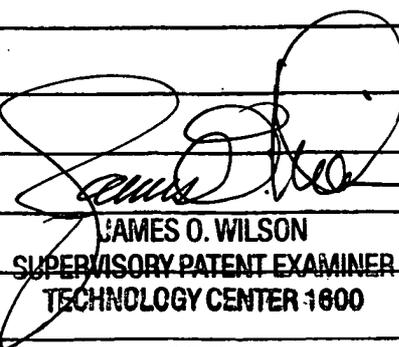
Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
JAMES O. WILSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

SPE

1624  
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov  
/

KILYK & BOWERSOX, P.L.L.C.  
400 HOLIDAY COURT  
SUITE 102  
WARRENTON VA 20186

Mail Date: April 5, 2011

In re Application of: Luigi Bisio  
Application No.: 12/422553  
Filed: April 13, 2009  
Title: CAP FOR CONTAINER PROVIDED WITH  
GUARANTEE SEAL

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

This is a decision on the petition filed on March 24, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.
5. The petition must be filed with the application.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed with the application. As noted in the policy statement referenced above, any petition to make special filed on or after the effective date must

meet the new requirements set forth in the 71 Fed. Reg. 36323 notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. The effective date of the change in practice was August 25, 2006. Thus the instant petition must be reviewed under the revised practice and the instant application is ineligible.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.

/Linda Sholl/  
Linda Sholl  
Special Program Examiner  
Technology Center 3700



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Ralph Bruce Ferguson

:  
:

Application No. 12422615

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

Filed: April 13, 2009

:

Attorney Docket No. PNW-107US2

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 17-JUN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**MAY 20 2011**

**OFFICE OF PETITIONS**

**DALY, CROWLEY, MOFFORD & DURKEE, LLP  
SUITE 301A  
354A TURNPIKE STREET  
CANTON MA 02021-2714**

Patent No. 7,862,394 :  
Issue Date: January 4, 2011 :  
Application No. 12/422,617 :  
Filed: April 13, 2009 :  
Attorney Docket No. ULTRA-004AUS :

**ON PETITION**

This is a decision on the petition filed April 22, 2011, which is being treated as 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



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.
12/422,625	04/13/2009	David H. Coy	00537-0164004 / 041A-C	7041
7590		02/23/2012	EXAMINER	
Biomeasure, Incorporated		AUDET, MAURY A		
27 Maple Street		ART UNIT		PAPER NUMBER
Milford, MA 01757-3650		1654		
		MAIL DATE		DELIVERY MODE
		02/23/2012		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

FEB 23 2012

BIOMEASURE, INCORPORATED  
27 MAPLE STREET  
MILFORD MA 01757-3650

In re Application of: :  
COY, et al. : PETITION DECISION  
Serial No.: 12/422,625 :  
Filed: April 13, 2009 :  
Attorney Docket No.: 00537-0164004 / :  
041A-C :

This letter is in response to the "Request" to withdraw finality which request is being treated as a petition filed under 37 C.F.R. § 1.181 filed on January 3, 2012 due to the final action being premature.

Applicants' arguments have been accorded careful consideration but they are not persuasive for the following reasons. The petition was untimely and therefore the merits of such won't be considered. Applicant should note that 37 CFR 1.181(f) indicates that any petition not filed within two months of the mailing date of the action from which relief is requested may be dismissed as untimely, that action being the final rejection of August 31, 2011. If the applicant wants consideration after the two months they should file a petition, and corresponding petition fee for such, under 37 CFR 1.183 and ask for a suspension of the Rule 181 and ask that consideration be made later than the 2 months.

Accordingly, the petition filed under 37 CFR 1. 181 is **DISMISSED** as untimely.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George Elliott, Director  
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

John J. Marshall  
Patent Docketing - Drinker Biddle & Reath LLP  
One Logan Square  
18th and Cherry Streets  
Philadelphia, PA 19103-6996

**MAILED**

**MAR 15 2012**

**OFFICE OF PETITIONS**

In re Application of Harig et al. :  
Application No. 12/422,680 : Decision Dismissing Petitions  
Filing Date: April 13, 2009 : Under 37 CFR 1.78(a)(3) and (a)(6)  
Atty. Docket No. 44236-0007-01US(432843) :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) filed February 14, 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 requirement (1) set forth above.

The specification filed April 13, 2009, states with emphasis added,

This application is a continuation in part of Serial No. 11/504,621, filed May 18, 2007, and through it claims priority of provisional application [nos. 60/501,538 and 60/904,012.

In order for a nonprovisional application to gain the benefit of a provisional application via an intermediate application, the nonprovisional must indicate the intermediate application claims the benefit of the provisional application. For example, the nonprovisional might state, "This application is a continuation of [intermediate], which claims the benefit of [provisional]."

The April 13, 2009 specification does not state Application No. 11/504,621 claims priority to the provisional applications. As a result, the priority claim in the April 13, 2009 specification is improper with respect to the provisional applications.

The Office issued a Filing Receipt on April 28, 2012, which does not acknowledge the existence of any claim for priority based on the provisional applications. Specifically, the filing receipt only includes the following language in the Domestic Priority section: "This application is a CIP of 11/504,621 08/16/2006."

The petition seeks to amend the specification to replace "11/504,621" with "11/804,621" without seeking to include language in the specification stating Application No. 11/804,621 claims the benefit of the provisional applications. Therefore, the amendment to the priority information cannot be accepted.

Petitioner may wish to file a request for reconsideration under 37 CFR 1.78, which does *not* require an additional fee, along with an amendment seeking to replace the first paragraph of the specification with language similar, or identical to, the following:

This application is a continuation-in-part of U.S. Application No. 11/804,621 filed May 18, 2007, which claims the benefit of U.S. Provisional Application No. 60/801,568 filed May 18, 2006, and U.S. Provisional Application No. 60/904,012 filed February 28, 2007.

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

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

---

<sup>1</sup> General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

Telephone inquiries regarding this communication should be directed to Petitions Attorney  
Steven Brantley at (571) 272-3203.

A handwritten signature in cursive script, appearing to read "C. Brantley".

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



NOVAK DRUCE & QUIGG LLP  
1300 I STREET NW  
SUITE 1000 WEST TOWER  
WASHINGTON DC 20005

**MAILED**  
**OCT 12 2010**  
**OFFICE OF PETITIONS**

In re Application of  
William F. Geraghty  
Application No. 12/422,702  
Deposited: April 13, 2009  
Attorney Docket No: 8383.025.US0000

:  
:  
: **DECISION ACCORDING STATUS**  
: **UNDER 37 CFR 1.47(b)**  
:  
:

This is a decision on the renewed petition filed May 10, 2010 under 37 CFR 1.47(b).<sup>1</sup>

The petition is **GRANTED**.

The above-identified application was filed on April 13, 2009, without an oath or declaration but with a petition seeking status under 37 CFR 1.47 claiming that the inventor, William F. Geraghty refused to execute the declaration and to join the application. In the interim, on April 27, 2009, a Notice to File Missing Parts was mailed regarding *inter alia*, the oath or declaration is missing. In a decision mailed May 7, 2009, the petition was dismissed because only pages numbered 1 and 3 of the "petition" were present, there was no proof that the application papers were presented to Mr. Geraghty or that he had refused to execute the oath or declaration. Furthermore, an acceptable oath or declaration hadn't been presented, the petition fee hadn't been paid and neither had the last known address of the inventor been provided, proof of proprietary interest or proof of irreparable damage.

A renewed petition was filed June 4, 2009 but was dismissed in a decision mailed January 15, 2010 because the petition lacked compliance with items (1), (2), (4) (5) and (6). A renewed petition was filed March 10, 2010 but was dismissed in a decision mailed March 25, 2010 because the petition still lacked compliance with item (5) under 37 CFR 1.47(b).

In response to the decision dismissing the petition filed March 10, 2010, comes now petitioner with a legal memorandum prepared and signed by an attorney at law familiar with the law of the jurisdiction involved, stating that a court of

---

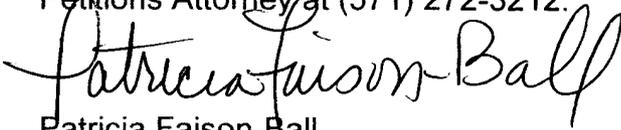
<sup>1</sup>A grantable petition under 37 CFR 1.47(b) requires:  
(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);  
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;  
(3) the petition fee;  
(4) a statement of the last known address of the non-signing inventor;  
(5) proof of proprietary interest, and  
(6) proof of irreparable damage.

competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

All requirements under 37 CFR 1.47(b) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : May 10, 2011

TO SPE OF : ART UNIT 2611 SPE

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/422,714 Patent No.: 7,903,757 B2

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square Building  
2800 South Randolph Street  
Arlington, VA 22206**

Should the insertion of the disclaimer notice be approved as requested by applicant?

See COCIN dated 5-3-2011

***Antonio Johnson***

\_\_\_\_\_  
Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

**Approved**

All changes apply.

**Approved in Part**

Specify below which changes **do not** apply.

**Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SPE *Shirley Lin* Art Unit 2611



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.
Row 1: 12/422,769, 04/13/2009, Relja Markovic, MSFT-6412/327191.01, 7328
Row 2: 7590, 10/19/2010, WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION), EXAMINER HAILU, TADESSE
Row 3: CIRA CENTRE, 12TH FLOOR, ART UNIT 2173, PAPER NUMBER
Row 4: 2929 ARCH STREET, NOTIFICATION DATE 10/19/2010, DELIVERY MODE ELECTRONIC
Row 5: PHILADELPHIA, PA 19104-2891

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 (Handwritten signature)

Patent Publication Branch
Office of Data Management

Adjustment date: 12/13/2010 10:50AM
USPTO Fee: 543.00 CR

<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	12422787	
Filing Date	13-Apr-2009	
First Named Inventor	GERMANO DI MAMBRO	
Art Unit	2626	
Examiner Name	HUYEN VO	
Attorney Docket Number	7949-1-1 (187842)	
Title	METHOD AND SYSTEM FOR BIO-METRIC VOICE PRINT AUTHENTICATION	
<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:		30448
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(vi)		
<b>Certifications</b>		
<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	GERMANO DI MAMBRO	
Address	One Hollis Street Suite 314	
City	Wellesley	
State	MA	
Postal Code	02482	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Sarah E. Smith/
Name	Sarah E. Smith
Registration Number	50488



## UNITED STATES 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 : January 5, 2012

In re Application of :

GERMANO DI MAMBRO

Application No : 12422787

Filed : 13-Apr-2009

Attorney Docket No : 7949-1-1 (187842)

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 January 5, 2012

The request is **APPROVED**.

The request was signed by Sarah E. Smith (registration no. 50488 ) on behalf of all attorneys/agents associated with Customer Number 30448 . All attorneys/agents associated with Customer Number 30448 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 GERMANO DI MAMBRO  
Name2  
Address 1 One Hollis Street  
Address 2 Suite 314  
City Wellesley  
State MA  
Postal Code 02482  
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

**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:	12/422,790	Filing date:	April 13, 2009
-----------------	------------	--------------	----------------

First Named Inventor:	John Bruno
-----------------------	------------

Title of the Invention:	REVOCATION OF APPLICATION ON MOBILE 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/US10/38414

**The international filing date of the corresponding PCT application(s) is/are:** June 11, 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.



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.
12/422,790	04/13/2009	John Bruno	326552.01	7369
69316	7590	07/08/2011	EXAMINER	
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052			BULLOCK JR, LEWIS ALEXANDER	
			ART UNIT	PAPER NUMBER
			2193	
			NOTIFICATION DATE	DELIVERY MODE
			07/08/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vffiling@microsoft.com  
stevensp@microsoft.com  
ntovar@MICROSOFT.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MICROSOFT CORPORATION  
ONE MICROSOFT WAY  
REDMOND WA 98052

In re Application of: BRUNO et al.  
Application No. 12/422,790  
Atty Docket #: **326552.01**  
Filed: April 13, 2009  
For: **REVOCATION OF APPLICATION ON  
MOBILE DEVICE**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed April 28, 2011 to make the above- identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.  
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

- (3) Applicant must:
- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
  - b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

- (5) Applicant must submit a copy of:
- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

- (6) Applicant must submit a copy of:
- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
  - b. an English translation of the claims and
  - c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

- (7) Applicant must submit:

Application SN 12/422,790  
Decision on Petition

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

---

Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

LANE PATENTS LLC  
100 NORTH 72ND AVE.  
SUITE 202  
WAUSAU WI 54401

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :  
Fred Lane, et al. :  
Application No. 12/422,797 :  
Filed: April 13, 2009 :  
Attorney Docket No. hea46 :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed June 22, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **DR. FERNANDO RIVERON**  
**425 PINE RIDGE BLVD., SUITE 209**  
**WAUSAU, WI 54401**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**AUG 11 2011**

**OFFICE OF PETITIONS**

**LANE PATENTS LLC  
100 NORTH 7ND AVENUE  
SUITE 202  
WAUSAU, WI 55401**

In re Application of	:	
Fred Lane, et al.	:	
Application No. 12/422,797	:	DECISION ON PETITION
Filed: April 13, 2009	:	TO WITHDRAW
Attorney Docket No. hea46	:	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 27, 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 Fred Lane 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 first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed April 26, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **TALARIAN TECHNOLOGIES**  
**425 PINE RIDGE BLVD. SUITE 209**  
**WAUSAU, WI 54401**



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
12/422,797	04/13/2009	Fred Lane	hea46

52944  
LANE PATENTS LLC  
100 NORTH 72ND AVE.  
SUITE 202  
WAUSAU, WI 54401

**CONFIRMATION NO. 7381**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 08/05/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MORGAN LEWIS & BOCKIUS, LLP (PA)  
2 PALO ALTO SQUARE  
3000 EL CAMINO REAL, SUITE 700  
PALO ALTO, CA 94306

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Jing Liu et al	:	
Application No. 12/422,822	:	DECISION ON PETITION
Filed: April 13, 2009	:	TO WITHDRAW
Attorney Docket No.: 069308-5004US01	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 5, 2011.

The request is **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 is filed by Dion M. Bregman on behalf of the practitioners of record associated with Customer Number 24341.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since the correspondence address provided is not the intervening assignee of the entire interest or the first named inventor.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FULWIDER PATTON LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE, TENTH FLOOR  
LOS ANGELES, CA 90045

**MAILED**  
**MAR 14 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Brunstein et al. :  
Application No. 12/422,884 :  
Filed: April 13, 2009 :  
Attorney Docket No. BRUCO-81847 :

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 8, 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 John K. Fitzgerald on behalf of all the practitioners of record associated with Customer Number 24201.

Customer Number 24201 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed December 20, 2010, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley  
Petitions Examiner  
Office of Petitions

cc: ALISON BRUSTEIN  
12845 HANOVER STREET  
LOS ANGELES, CA 90049



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
12/422,884	04/13/2009	Alison Brustein	BRUCO-81847

**CONFIRMATION NO. 7535**

**POWER OF ATTORNEY NOTICE**



24201  
FULWIDER PATTON LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE, TENTH FLOOR  
LOS ANGELES, CA 90045

Date Mailed: 03/14/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/08/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MAILED

JAN 05 2011

PCT LEGAL ADMINISTRATION

JHK Law  
P O Box 1078  
La Canada CA 91012-1078

In re Application of :  
HAHN, Sei-Kwang, et al. :  
Application No. 12/422,950 : DECISION ON PETITION  
Filing Date: 13 April 2009 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 20010-37USA :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 26 October 2010, to accept a claim under 35 U.S.C. § 120 for the benefit of a prior-filed international application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

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 Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a 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 USC 365©) and 35 U.S.C. § 120 to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

**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 application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the Erin Thomson at (571) 272-3292.

This application is being forwarded to Technology Center AU 1762 for examination, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365©) to the prior-filed PCT application.

/Bryan Lin/  
Bryan Lin  
Legal Examiner  
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JIANQ CHYUN INTELLECTUAL  
PROPERTY OFFICE  
7<sup>TH</sup> FLOOR-1, NO. 100  
ROOSEVELT ROAD, SECTION 2  
TAIPEI 100 TW TAIWAN

**MAILED**

AUG 25 2011

OFFICE OF PETITIONS

In re Application of :  
LI, et al :  
Application No. 12/423,017 : **NOTICE**  
Filed: April 14, 2009 :  
Attorney Docket No. 26887-US-PA :

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 Diane Goodwyn at (571) 272-6735.

Thurman K. Page  
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.
12/423,065	04/14/2009	Larry D. Knerr	1484-032	7839
32905	7590	05/19/2011	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
			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):

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

MAY 19 2011

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
Larry D. Knerr :  
Serial No.: 12/423,065 : PETITION DECISION  
Filed: April 14, 2009 :  
Attorney Docket No.: 1484-032 :

This is in response to the petition under 37 CFR § 1.59(b), filed April 28, 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 April 28, 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



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.
12/423,065	04/14/2009	Larry D. Knerr	1484-032	7839
32905	7590	12/12/2011	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
			12/12/2011	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):

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

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
Larry D. Knerr :  
Serial No.: 12/423,065 :  
Filed: April 14, 2009 :  
Attorney Docket No.: 1484-032 :

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 6, 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 April 28, 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

**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM  
BETWEEN THE STATE INTELLECTUAL PROPERTY OFFICE OF THE P.R.C. (SIPO) AND THE USPTO**

Application No.:	12/423,085	Filing Date:	April 14, 2009
First Named Inventor:	Gengshi WU		
Attorney Docket No.:	HW704496		
Title of the Invention:	METHOD AND DEVICE FOR ESTIMATING A GUASSIAN WHITE NOISE POWER IN A CHANNEL, AND RECEIVER		

**THIS REQUEST FOR PARTICIPATION IN THE 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 PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM  
AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.**

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding CN application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

**The CN/PCT application** 200710099469.5  
**number(s) is/are:**

**The filing date of the CN/  
PCT application(s) is/are:** May 22, 2007

**I. List of Required Documents:**

- a. **A copy of all SIPO office actions which are relevant to patentability in the above-identified CN application(s)**

Is attached.

- b. **A copy of all claims which were determined to be patentable by the SIPO in the above-identified CN application(s)**

Is attached.

- c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).**

- d. **(1) An information disclosure statement listing the documents cited in the SIPO office actions**

Is attached.

Has already been filed in the above-identified U.S. application on

N/A

- (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

N/A

[Page 1 of 2]



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

NOTARO, MICHALOS & ZACCARIA P.C.  
100 DUTCH HILL ROAD  
ORANGEBURG NY 10962

**MAILED**  
**JUN 22 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
VITKALOVA et al. :  
Application No. 12/423,115 : **ON PETITION**  
Filed: 04/14/2009 :  
Attorney Docket No. J1050-001 US :

This is a decision on the request filed May 11, 2011, which is being treated as a request under 37 CFR 3.81(b) to correct the assignee's address so that the Letters Patent will issue with the corrected address.

Petitioners assert that they were advised of the assignee's change of address on May 10, 2011, after paying the issue fee. Petitioners submitted a \$130.00 fee and an Application Data Sheet indicating the corrected address.

The Office notes that any request for issuance of an application in the name of the assignee submitted after the date on which the issue fee is paid, and any request for a patent to be corrected to state the name of the assignee, must include a request for a certificate of correction under 37 CFR 1.323 (accompanied by the fee set forth in 37 CFR 1.20(a)) and the processing fee set forth in 37 CFR 1.17(i)). The request under 37 CFR 3.81(b) must state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent. The Office will issue a certificate of correction to reflect that the patent issued to the assignee provided the requirements of 37 CFR 3.81(b) and 37 CFR 1.323 are complied with. The Office further notes that it is only appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect the assignment data as it was recorded at the time of issuance of the application into a patent. Assignment information printed on a patent is not updated after a patent is issued, and may not be reflective of the assignment recorded in the Office subsequent to the issuance of the patent.

Accordingly, the request is **dismissed**.

The \$130.00 processing fee under 37 CFR 1.17(i) will be refunded in due course.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop Petition  
                              Commissioner for Patents  
                              Box 1450  
                              Alexandria, VA 22313

By FAX:                   (571) 273-8300  
                              Attn: Office of Petitions

By hand:                  Customer Service Window  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

Correspondence may also be submitted electronically via EFS-Web.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

*C. P. Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

TRIANDAFILOS PADIOTIS  
3852 - H DULLES SOUTH CT.  
CHANTILLY VA 20151

**MAILED**

SEP 29 2010

**OFFICE OF PETITIONS**

In re Application of :  
Padiotis, Triandafilos :  
Application No. 12/423,121 : **ON PETITION**  
Filed: April 14, 2009 :  
Attorney Docket No. WDS-5200 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed June 3, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive 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)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed May 4, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. A one-month extension of time under the provisions of 37 CFR 1.136(a) was obtained on August 25, 2009, but was untimely. Accordingly, the above-identified application became abandoned on July 5, 2009. A Notice of Abandonment was mailed on May 25, 2010.

A grantable petition under 37 CFR 1.137(a) must be accompanied by:

- (1) the required reply, unless previously filed;
- (2) the petition fee as set forth in 37 CFR 1.17(l);
- (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and
- (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition lacks item (3). Petitioner states that abandonment was unavoidable due to his attorney only filing a one-month extension of time with the response filed August 25, 2009, rather than the requisite two-month extension of time. Petitioner further states, "This Abandonment was unavoidable because I had paid several thousands of dollars to an attorney to make sure that this application was fully taken care of from beginning to end by an experienced attorney. I had no involvement of the application process after I turned it over to the attorney and I had no way to know of the abandonment status until the attorney finally decided to inform me."

In accordance with 37 CFR 1.34, a paper filed by a registered patent attorney or agent in an application in which he or she is not of record must include his or her name and registration number with his or her signature. Acceptance of papers filed in patent applications and reexamination proceedings by registered attorneys and agents upon a representation that the attorney or agent is authorized to act in a representative capacity is for the purpose of facilitating replies on behalf of applicants in patent applications and, further, to obviate the need for filing powers of attorney in individual applications or patents when there has been a change in composition of law firms or corporate patent staffs.

As such, the USPTO must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and petitioner is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987); California, 921 F.Supp. 1219, 1259 (D.Del. 1995).

Specifically, petitioner's delay caused by the mistakes or omissions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133. See Haines v. Quigg, *supra*; Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891). It follows that such is not unavoidable delay within the meaning of 35 USC 41(c) and 37 CFR 1.378(b). Ray, 55 F.3d 606, 609, 34 USPQ2d 1786, 1788 (Fed. Cir. 1995).

Petitioner may wish to consider filing 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 prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450

By hand:                   U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By facsimile:           (571) 273-8300  
                              Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**TRIANDAFILOS PADIOTIS  
3852 - H DULLES SOUTH CT.  
CHANTILLY VA 20151**

**MAILED**

**DEC 10 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Padiotis, Triandafilos :  
Application No. 12/423,121 :  
Filed: April 14, 2009 :  
Attorney Docket No. WDS-5200 :

**ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement drawings (previously submitted), (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 Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3633 for examination on the merits.

Liana Walsh  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**HODES, PESSIN & KATZ, P.A**  
**901 Dulaney Valley Road, Suite 400**  
**Towson MD 21204**

**MAILED**  
**SEP 30 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Kevin F. McDermott	:	
Application No. 12/423,183	:	DECISION ON PETITION
Filed: April 14, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 024994.009	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 13, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Kevin F. McDermott 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 2875 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW CA 94041**

**MAILED  
MAR 07 2011  
OFFICE OF PETITIONS**

In re Application of :  
FRIEDLANDER, Meir et al. :  
Application No. 12/423,234 :  
Filed: April 14, 2009 :  
Attorney Docket No. 27108-15060 :  
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 27, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the address has been changed. 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 Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
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

**FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW CA 94041**

**MAILED**

**APR 28 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
FRIEDLANDER, Meir et al.	:	
Application No. 12/423,234	:	DECISION ON PETITION
Filed: April 14, 2009	:	TO WITHDRAW
Attorney Docket No. 27108-15060	:	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 21, 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 Fengling Li on behalf of all attorneys of record who are associated with customer No. 00758. All attorneys/agents associated with the Customer Number 00758 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.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **EYECON TECHNOLOGIES  
P.O. BOX 711  
CAYUCOS CA 93430**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**  
**MAR 07 2011**  
**OFFICE OF PETITIONS**

**FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW CA 94041**

In re Application of :  
FRIEDLANDER, Meir et al. :  
Application No. 12/423,240 :  
Filed: April 14, 2009 :  
Attorney Docket No. 27108-15092 :  
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 27, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the address has been changed. 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 Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
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

**FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW CA 94041**

**MAILED**

**APR 28 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
FRIEDLANDER, Meir et al.	:	
Application No. 12/423,240	:	DECISION ON PETITION
Filed: April 14, 2009	:	TO WITHDRAW
Attorney Docket No. 27108-15092	:	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 21, 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 Fengling Li on behalf of all attorneys of record who are associated with customer No. 00758. All attorneys/agents associated with the Customer Number 00758 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.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **EYECON TECHNOLOGIES  
P.O. BOX 711  
CAYUCOS CA 93430**



## UNITED STATES 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 : July 6,2011

In re Application of :

Eitan ROSEN

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12423281

Filed : 14-Apr-2009

Attorney Docket No : MP2549

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 6,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2819 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	12423281
Filing Date	14-Apr-2009
First Named Inventor	Eitan ROSEN
Art Unit	2819
Examiner Name	LINH NGUYEN
Attorney Docket Number	MP2549
Title	METHOD AND APPARATUS FOR CLOCKING

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
  - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
  - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
  - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

**Petition Fee**

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
  - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/John S. Kern/
Name	John S. Kern
Registration Number	42719



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.
12/423,284 04/14/2009 Hiroshi YAMAMOTO J-09-0240 8243
Mr. Jackson Chen 7590 01/07/2011
6535 N. STATE HWY 161 IRVING, TX 75039
EXAMINER VANDERPUYE, KENNETH N
ART UNIT 2613 PAPER NUMBER
NOTIFICATION DATE 01/07/2011 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.

Mimi Barnes
Patent Publication Branch
Office of Data Management

Faint administrative stamps and markings on the left side of the page.

Administrative stamps on the right side of the page, including a date stamp: 04/13/2009 14:23:37.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

LAW OFFICES OF MIKIO ISHIMARU  
2055 GATEWAY PLACE  
SUITE 700  
SAN JOSE CA 95110

**MAILED**  
AUG 12 2011  
**OFFICE OF PETITIONS**

In re Application of :  
Ki Youn JANG et al. : ON PETITION  
Application No. 12/423,320 :  
Filed: April 14, 2009 :  
Atty. Docket No. 27-314.C1 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due mailed March 22, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned on June 23, 2011. A Notice of Abandonment was mailed June 29, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice of Allowance and Fee(s) Due, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Data Management for further processing.

*for*   
Anthony Knight  
Director  
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): 12423337	Patent Number (if applicable):
First Named Inventor: USHIKU	Title of Invention: AUTOMATIC ANALYZER

**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 /John R. Mattingly/	Date 2011-06-27
Name (Print/Typed) <b>JOHN R. MATTINGLY</b>	Practitioner Registration Number <b>30,293</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 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

MATTINGLY & MALUR, PC  
1800 DIAGONAL ROAD  
SUITE 370  
ALEXANDRIA VA 22314

**MAILED**  
JUN 30 2011  
OFFICE OF PETITIONS

In re Application of :  
Ushiku et al. :  
Application No. 12/423,337 : DECISION ON PETITION  
Filed: April 14, 2009 :  
Attorney Docket No. KAS-7083 :

This is a decision on the request filed June 27, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 16, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1773 for re-mailing the Office action of February 16, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022

**MAILED**  
**MAR 09 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Patrizio Vinciarelli, et al. :  
Application No. 12/423,447 : DECISION GRANTING PETITION  
Filed: April 14, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 00614-0159001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 7, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on March 1, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/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.*



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.
12/423,559	04/14/2009	James Gharib	13958-0052002 / 071US3	8757
26191	7590	08/01/2011	EXAMINER	
FISH & RICHARDSON P.C. (TC)			FOREMAN, JONATHAN M	
PO BOX 1022			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55440-1022			3736	
			NOTIFICATION DATE	DELIVERY MODE
			08/01/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



**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>
12/423,559	April 14, 2009	GHARIB ET AL.	13958-0052002 / 071US3

FISH & RICHARDSON P.C. (TC)  
PO BOX 1022  
MINNEAPOLIS, MN 55440-1022

**EXAMINER**

JONATHAN M.L. FOREMAN

<b>ART UNIT</b>	<b>PAPER</b>
-----------------	--------------

3736

20110726

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

In view of the papers filed 3/17/10, the inventorship in this nonprovisional application has been changed by the deletion of Mr. Jamil Elbanna.

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 JONATHAN M.L. FOREMAN whose telephone number is (571)272-4724. The examiner can normally be reached on Monday - Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Henry Yuen/  
Supervisory Patent Examiner, Art Unit 3742

/J. M. F./  
Examiner, Art Unit 3736



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**DOCKET CLERK**  
**Kelly-Krause**  
**PO BOX 12608**  
**DALLAS TX 75225**

**MAILED**  
**NOV 23 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Andrew Allen, et al. :  
Application No. 12/423,624 : **DECISION ON PETITION**  
Filed: April 14, 2009 :  
Attorney Docket No. 1578.991 (33519-US- :  
PAT) :

This is a decision on the petition under 37 CFR 1.182, filed, October 20, 2010, to change the name of inventor "Jan John-Luc Bakker" to – Jan Hendrick Lucas Bakker --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Terri Johnson at (571) 272-2991. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2617 for examination in due process.

/Terri Johnson/  
Terri Johnson  
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: 12/423,624, 04/14/2009, 2617, 1440, 1578.991 (33519-US-PAT), 20, 4

CONFIRMATION NO. 8881

CORRECTED FILING RECEIPT



44208
DOCKET CLERK
Kelly-Krause
PO BOX 12608
DALLAS, TX 75225

Date Mailed: 11/17/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

ANDREW ALLEN, MUNDELEIN, IL;
ADRIAN BUCKLEY, TRACY, CA;
Jan Hendrick Lucas BAKKER, KELLER, TX;

Assignment For Published Patent Application

RESEARCH IN MOTION LIMITED, WATERLOO, CA

Power of Attorney: The patent practitioners associated with Customer Number 44208

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/044,566 04/14/2008

Foreign Applications

If Required, Foreign Filing License Granted: 04/28/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/423,624

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

APPARATUS, AND ASSOCIATED METHOD, FOR FACILITATING RADIO CONTROL SYSTEM OPERATION WITH AN ICS-CAPABLE WIRELESS DEVICE

**Preliminary Class**

455

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

DOCKET CLERK  
Kelly-Krause  
PO BOX 12608  
DALLAS TX 75225

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of :  
Allen, et al. :  
Application No. 12/423,637 : DECISION ON PETITION  
Filed: April 14, 2009 :  
Attorney Docket No. 1578.993 (33519-1-US- :  
PAT) :

This is a decision on the petition under 37 CFR 1.182, filed, October 20, 2010, to change the name of inventor "Jan John-Luc Bakker" to – Jan Hendrik Lucas Bakker --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2617 for examination in due course.

  
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
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: 12/423,637, 04/14/2009, 2617, 1764, 1578.993 (33519-1-US-PAT), 22, 5

CONFIRMATION NO. 8903

CORRECTED FILING RECEIPT

44208
DOCKET CLERK
Kelly-Krause
PO BOX 12608
DALLAS, TX 75225



Date Mailed: 11/16/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

ANDREW ALLEN, MUNDELEIN, IL;
ADRIAN BUCKLEY, TRACY, CA;
JAN HENDRIK LUCAS BAKKER, KELLER, TX;

Assignment For Published Patent Application

RESEARCH IN MOTION LIMITED, WATERLOO, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 44208

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/044,568 04/14/2008

Foreign Applications

If Required, Foreign Filing License Granted: 04/27/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/423,637

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

APPARATUS, AND ASSOCIATED METHOD, FOR FACILITATING RADIO CONTROL SYSTEM OPERATION WITH AN ICS-CAPABLE WIRELESS DEVICE

**Preliminary Class**

455

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).


**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
**United States Patent and Trademark Office**  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

**BIB DATA SHEET**
**CONFIRMATION NO. 8968**

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.	
12/423,668	04/14/2009	340	2612	M7:01337	
<b>APPLICANTS</b> Christopher Jones, Pacific Palisades, CA; Michael Smith, Santa Monica, CA; <b>** CONTINUING DATA *****</b> This appln claims benefit of 61/044,893 04/14/2008 <b>** FOREIGN APPLICATIONS *****</b> <b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY **</b> 04/27/2009					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/CURTIS J KING/</u> Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials _____	<b>STATE OR COUNTRY</b> CA	<b>SHEETS DRAWINGS</b> 9	<b>TOTAL CLAIMS</b> 32	<b>INDEPENDENT CLAIMS</b> 5
<b>ADDRESS</b> KAUTH , POMEROY , PECK & BAILEY ,LLP 2400 EAST KATELLA AVENUE SUITE 1050 ANAHEIM, CA 92806 UNITED STATES					
<b>TITLE</b> MACHINE VISION RFID EXCITER TRIGGERING SYSTEM					
<b>FILING FEE RECEIVED</b> 1059	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.
12/423,688	04/14/2009	Young-Dac Lec	2101-3655	9015
35884	7590	03/11/2011	EXAMINER	
LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017			LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			2100	
			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):

uspto@hlaw.com  
ip.lhlaw@gmail.com  
ip.lhlaw@live.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)

LEE, HONG, DEGERMAN, KANG & WAIMEY  
660 S. FIGUEROA STREET  
Suite 2300  
LOS ANGELES CA 90017

In re Application of: LEE et al.  
Application No. 12/423688  
Attorney Docket #: **2101-3655**  
Filed: April 14, 2009  
For: **METHOD AND APPARATUS FOR  
PERFORMING RANDOM ACCESS  
PROCEDURES**

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 15, 2010 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either
    - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims,
  - Or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - (i) validly claims priority to an application filed in the KIPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim,
  - Or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - (i) validly claims priority to an application filed in the KIPO, or

- (ii) validly claims priority to a PCT application that contains no priority claims, or
- (iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the KIPO application(s);
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

Applicant must submit a copy of all the Office actions (which are relevant to patentability, e.g., "Notice of Rejection," however, excluding a "Decision to Grant a Patent") from each of the KR application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate (if the Office actions are not in the English language). It will not be necessary for applicant to submit a copy of the "Decision to Grant a Patent," an English translation of the "Decision to Grant a Patent" and a statement that the translation is accurate.

(5) Applicant must submit:

- a. Documentation of ALL office action:
  - i. a copy of ALL office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
  - ii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
- b. An English language translation of the KIPO 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 KIPO examiner in the KIPO 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 comply with the above requirements, and accordingly, the above-identified application has been accorded "special" status.

*Application SN 12/423,688*  
*Decision on Petition*

The request and petition are **GRANTED**.

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

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 02/27/12  
TO SPE OF : ART UNIT 2617  
SUBJECT : Request for Certificate of Correction for Appl. No.: 12423711 Patent No.: 7769366

CofC mailroom date: 02/22/12

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580**

*You can fax the Directors/SPE response to 571-273-3421*

Note: Should the changes to Related U.S. Application Data 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:** The Certificate of Correction is approved and does not change scope.

---

---

---

---

---

/Nick Corsaro/

2617

SPE

Art Unit



**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>
12/423,711	14 April, 2009	CELIK, FEYZI	18358-013D01US

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON, MA 02111	<b>EXAMINER</b>	
	NICK CORSARO	
	<b>ART UNIT</b>	<b>PAPER</b>
	2617	20120227

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Certificate of Correction 02/22/2012 is approved.

Attached: SPE approval.



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.
12/423,720	04/14/2009	Leonid Beigelman	INTMU.050A	9089
20995	7590	08/26/2011	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			MCDOWELL, BRIAN E	
			ART UNIT	PAPER NUMBER
			1624	
			NOTIFICATION DATE	DELIVERY MODE
			08/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.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

Kimberly J. Miller  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

In re Application of :  
Beigelman et al :Decision on Petition  
Serial No.:12/423,720 :  
Filed: 14 April 2009 :  
Attorney Docket No.:INTMU.050A :

This letter is in response to the Petition filed under 37 C.F.R. 1.144 and 1.181 to request reconsideration of the restriction requirement mailed 18 February 2011.

**BACKGROUND AND DISCUSSION**

The application, file history and petition have been considered carefully. Applicants request reconsideration of the restriction requirement.

On 19 August 2011, applicants filed a letter requesting withdrawal of the petition and examination of the full scope of claim 1, its dependent claims and claim 123.

On 24 August 2011, the examiner prepared an interview summary in which the examiner explained that the he will continue prosecution of the full scope of claim 1.

**DECISION**

Accordingly, the petition under 37 CFR 1.144 is **DISMISSED**.

**The application will be forwarded to the examiner for consideration of the papers filed 19 August 2011 and for preparation of an Office action consistent with this decision.**

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.



Remy Yucel  
Director, Technology Center 1600



- (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  
(8) The petition fee under 37 CFR 1.17(h).

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/

---

Kenneth A. Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/423,729	04/14/2009	Jeremy Jerome	55640-8035.US04	9106
79975	7590	08/25/2011	EXAMINER	
King & Spalding LLP P.O. Box 889 Belmont, CA 94002-0889			NGUYEN, BAO THUY L	
			ART UNIT	PAPER NUMBER
			1641	
			MAIL DATE	DELIVERY MODE
			08/25/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

AUG 25 2011

In re Application of :  
Jeremy Jerome, et al :  
Serial No. 12/423729 :  
Filed: April 14, 2009 :  
For: METHOD FOR ADDING AN APPARENT :  
NON-SIGNAL LINE TO A LATERAL :  
FLOW ASSAY :

NOTICE OF WITHDRAWAL  
FROM ISSUE  
UNDER 37 CFR 1.313(b)

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

George C. Elliott, Director  
Technology Center 1600

KING & SPALDING LLP  
P.O. BOX 889  
BELMONT, CA 94002-0889



UNITED STATES 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)

**Stevens Law Group**  
**1754 Technology Drive**  
**Suite #226**  
**San Jose CA 95110**

**MAILED**

**JAN 10 2011**

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

In re Application of :  
Shlomo Selim Rakib, et al. :  
Application No. 12/423,752 :  
Filed: April 14, 2009 :  
Attorney Docket No. NOVA-00501 :

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 2, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Also, there were no certifications made on the PTO/SB/83. Boxes 1-3 were left unchecked.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **STEPHEN T. O'NEILL**  
**MURRAY & MURRAY**  
**19400 Stevens Creek Boulevard**  
**Suite 200**  
**Cupertino, CA 95014-2548**



UNITED STATES 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)

**Stevens Law Group  
1754 Technology Drive  
Suite #226  
San Jose CA 95110**

**MAILED  
MAR 09 2011  
OFFICE OF PETITIONS**

In re Application of  
Shlomo Selim Rakib, et al.  
Application No. 12/423,752  
Filed: April 14, 2009  
Attorney Docket No. **NOVA-00501**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36, filed January 24, 2011

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Also, there were no certifications made on the PTO/SB/83. Boxes 1-3 were left unchecked.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **NOVAFORA, INC.**  
**2460 N. 1<sup>st</sup> Street, Suite 200**  
**San Jose, CA 95131**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Stevens Law Group  
1754 Technology Drive  
Suite #226  
San Jose, CA 95110

**MAILED**  
**JUL 28 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Shlomo Selim Rakib, et al. :  
Application No. 12/423,752 : **DECISION ON PETITION**  
Filed: April 14, 2009 : **TO WITHDRAW**  
Attorney Docket No. NOVA-00501 : **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 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. 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 R. Stevens 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.

There is an outstanding Office action mailed July 7, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **NOVAFORA, INC.**  
**2460 N. 1<sup>st</sup> Street, Suite 200**  
**San Jose, CA 95131**



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
12/423,752	04/14/2009	Shlomo Selim Rakib	NOVA-00501

**CONFIRMATION NO. 9164**

**POWER OF ATTORNEY NOTICE**



34051  
Stevens Law Group  
1754 Technology Drive  
Suite #226  
San Jose, CA 95110

Date Mailed: 07/22/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 07/13/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

INTEL CORPORATION  
c/o CPA Global  
P.O. BOX 52050  
MINNEAPOLIS MN 55402

In re Application of  
Wayne Douglas Trantow  
Application No. 12/423792  
Filing or 371(c) Date: 04/14/2009  
Attorney Docket Number:  
P14368C

:  
:  
:  
:  
:  
:  
:

**MAILED**  
**AUG 19 2010**  
**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed April 12, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed May 1, 2009. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No response having been received, the application became abandoned July 2, 2009. A Notice of Abandonment was mailed January 11, 2010.

Applicant files the present petition and reply to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**LEONG C. LEI**  
**OMB # 1008**  
**1839 YGNACIO VALLEY ROAD**  
**WALNUT CREEK, CA 94598**

**MAILED**  
**OCT 07 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Tsai et al. :  
Application No. 12/423,823 : DECISION GRANTING PETITION  
Filed: April 15, 2009 : UNDER 37 CFR 1.55(c)  
Attorney Docket No. FP13927 :

This is a decision on the petition under 37 CFR 1.55(c), filed August 11, 2011 and the Supplemental petition filed August 15, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of the filing date of foreign Application No. Taiwan 097144145, filed November 14, 2008.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The above-identified pending nonprovisional application was filed on April 15, 2009, which is after November 29, 2000 and within 12 months of November 14, 2008. On August 11, 2011, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1,410.00 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **GRANTED**.

A filing receipt accompanies this decision on petition.

This matter is being forwarded to Technology Center AU 2122 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d) and (f).

Any inquiries directly pertaining to this decision may be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

*/Liana Walsh/*  
Liana Walsh  
Petitions Examiner  
Office of Petitions

| 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. Values: 12/423,823, 04/15/2009, 2122, 462, FP13927, 3, 1

CONFIRMATION NO. 9310

CORRECTED FILING RECEIPT



52981
LEONG C. LEI
PMB # 1008
1839 YGNACIO VALLEY ROAD
WALNUT CREEK, CA 94598

Date Mailed: 09/28/2011

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)

CHEN-HUNG TSAI, Xin Tien City, TAIWAN;
YI-CHEN LU, Xin Tien City, TAIWAN;
YI-LING LIU, Xin Tien City, TAIWAN;

Power of Attorney:

Leong Lei--50402

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)
TAIWAN 097144145 11/14/2008

If Required, Foreign Filing License Granted: 04/23/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/423,823

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

METHOD FOR OPERATING AIR MATTRESS CONTROLLER AND STRUCTURE THEREOF

**Preliminary Class**

700

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**WOMBLE CARLYLE SANDRIDGE  
& RICE, PLLC  
ATTN: PATENT DOCKETING  
P.O. BOX 7037  
ATLANTA, GA 30357-00037**

**MAILED  
NOV 02 2010  
OFFICE OF PETITIONS**

In re Application of	:	
Peter JAHODA	:	
Application No. 12/423,866	:	DECISION ON PETITION
Filed: April 15, 2009	:	TO WITHDRAW
Attorney Docket No. O61771 1010.1	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 27, 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 C. Robert Rhodes on behalf of the attorneys of record associated with Customer No. 26158.

The attorneys of record associated with Customer No. 26158 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: PETER JAHODA  
1590 VIRGINIA AVENUE  
MARTINSVILLE, VA 24115



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
12/423,866	04/15/2009	Peter Jahoda	O61771 1010.1

**CONFIRMATION NO. 9405**

**POWER OF ATTORNEY NOTICE**

26158  
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
ATTN: PATENT DOCKETING  
P.O. BOX 7037  
ATLANTA, GA 30357-0037



Date Mailed: 10/27/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/27/2010.

- 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  
www.uspto.gov

ROCKWELL AUTOMATION,  
INC./FAY  
ATTENTION: SUSAN M.  
DONAHUE, E-7F19  
1201 SOUTH SECOND STREET  
MILWAUKEE WI 53204

**MAILED**  
**MAY 05 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Zargari et al. :  
Application No. 12/423891 :  
Filing or 371(c) Date: 04/15/2009 : **ON PETITION**  
Attorney Docket Number: :  
09AB029/ROKZ 200049US01 :

This decision is in response to the "Petition Under 37 CFR 1.182," filed March 18, 2011, requesting correction of the name of an inventor.

MPEP 201.03, Correction of Inventorship in an Application, provides

(B) Where a typographical or transliteration error in the spelling of an inventor's name is discovered, the Office should simply be notified of the error. A new oath or declaration is not required. See, MPEP § 605.04(g). Reference to the notification will be made on the previously filed oath or declaration.

However, "[e]xcept for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee."

MPEP 605.04(b)

Applicant is further advised that

Although 37 CFR 1.76 does not change the practice in MPEP § 201.03 and § 605.04(b) regarding correction of a typographical or transliteration error in the spelling of an inventor's name whereby all that is required is notification of the error to the Office, the Office strongly encourages the filing of an application data sheet or a supplemental

application data sheet to correct a typographical or transliteration error in the spelling of an inventor's name. A supplemental oath or declaration is not required. If applicant merely files a statement notifying the Office of the typographical or transliteration error in the spelling of an inventor's name without submitting an application data sheet or a supplemental application data sheet, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

MPEP 601.05

The petition is hereby **granted**.

The name of inventor George Zhongyuan Cheng has been changed to Zhongyuan Cheng, and the name Zhongyuan Cheng has been entered and made of record in the above-identified application.

The application is being referred to Publishing Division.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions

Enclosures: Replacement 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: 12/423,891, 04/15/2009, 2838, 1194, 09AB029/ROKZ 200049US01, 22, 3

CONFIRMATION NO. 9449

REPLACEMENT FILING RECEIPT



62652
ROCKWELL AUTOMATION, INC./FAY
ATTENTION: SUSAN M. DONAHUE, E-7F19
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

Date Mailed: 05/05/2011

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)

Navid R. Zargari, Cambridge, CANADA;
Zhongyuan Cheng, Cambridge, CANADA;
Angelo R. Bortolus, Mississauga, CANADA;

Assignment For Published Patent Application

ROCKWELL AUTOMATION TECHNOLOGIES, INC., Mayfield Hts., OH

Power of Attorney: The patent practitioners associated with Customer Number 62652

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 04/24/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/423,891

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**Title**

IMPROVED SELF POWERED SUPPLY FOR POWER CONVERTER SWITCH DRIVER

**Preliminary Class**

363

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MARK D. SARALINO (SHARP)  
RENNER OTTO BOISSELLE & SKLAR, LLP  
1621 EUCLID AVENUE, 19<sup>TH</sup> FLOOR  
CLEVELAND OH 44115

**MAILED**  
DEC 02 2011

In re Application of : **OFFICE OF PETITIONS**  
Tong Zhang et al :  
Application No. 12/423,898 : DECISION GRANTING PETITION  
Filed: April 15, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. SHRPP0114US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 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 November 17, 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 2885 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).



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.
12/423,922	04/15/2009	Jung-Soo KANG	3563-0114PUS1	9511
2292	7590	02/25/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SCHECHTER, ANDREW M	
			ART UNIT	PAPER NUMBER
			2857	
			NOTIFICATION DATE	DELIVERY MODE
			02/25/2011	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):

mailroom@bskb.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747**

**In re Application of**

**KANG et al.**

**Application No.: 12/423,922**

**Filed: 15 April 2009**

**Attorney Docket No.: 3563-0114PUS1**

**For: APPARATUS AND METHOD FOR  
ESTIMATING STATE OF HEALTH OF  
BATTERY BASED ON BATTERY  
VOLTAGE VARIATION PATTERN**

**: 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 14 January 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,
  - or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim,
  - or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the KR application(s);
  - b. An English translation of the allowable/patentable claim(s), and
  - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
  - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the KIPO office action; and
  - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

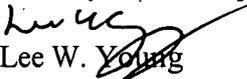
The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Regarding requirement 5, applicant has submitted a certificate of translation for "an Office Action" along with translations for two Office Actions. It is presumed that the certificate applies to both translations.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://uspto.gov/ebc/index.html>.

  
Lee W. Young  
TQAS  
Technology Center 2800

<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	12423949	
Filing Date	15-Apr-2009	
First Named Inventor	Richard Kaner	
Art Unit	1784	
Examiner Name	VERA KATZ	
Attorney Docket Number	TRUC-008/01US 309245-2041	
Title	RHENIUM BORIDE COMPOUNDS AND USES THEREOF	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		58249
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	The Regents of the University of California	
Address	1111 Franklin Street	
City	Oakland	
State	CA	
Postal Code	94607-5200	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885



## UNITED STATES 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 :

Richard Kaner

Application No : 12423949

Filed : 15-Apr-2009

Attorney Docket No : TRUC-008/01US 309245-2041

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED**.

The request was signed by William S. Galliani (registration no. 33885 ) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Customer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name The Regents of the University of California  
Name2  
Address 1 1111 Franklin Street  
Address 2  
City Oakland  
State CA  
Postal Code 94607-5200  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/423,965	04/15/2009	Hwal SUH	946,058	9610
24106	7590	06/27/2011	EXAMINER	
EGBERT LAW OFFICES 412 MAIN STREET, 7TH FLOOR HOUSTON, TX 77002			BRADLEY, CHRISTINA	
			ART UNIT	PAPER NUMBER
			1654	
			MAIL DATE	DELIVERY MODE
			06/27/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

EGBERT LAW OFFICES  
412 MAIN STREET, 7<sup>TH</sup> FLOOR  
HOUSTON, TX 77002

In re Application of  
Heal SUH  
Serial No.: 12/423965  
Filed: April 15, 2009  
Attorney Docket No.: 946,058

:  
: DECISION ON PETITION TO  
: ACCEPT COLOR  
DRAWINGS/PHOTOGRAPHS

This is a decision on the petition filed on June 16, 2011 to accept color drawings under 37 CFR 1.84(a)(2).

A review showing that all requirements are met.

The petition to accept color drawings/photographs is **GRANTED**.

Cecilia Tsang  
SPE, Art Unit 1654



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.
12/423,986 04/15/2009 Ryuki Kakino Q113000 9655

7590 03/18/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

WALTERS JR, ROBERT S

ART UNIT PAPER NUMBER

1711

NOTIFICATION DATE DELIVERY MODE

03/18/2011

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 Andrews
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/423,994	04/15/2009	H. Toby Markowitz	5074D-000005/US/COD	9667
27572	7590	03/20/2012	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			GEDEON, BRIAN T	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			3766	
			MAIL DATE	DELIVERY MODE
			03/20/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**  
The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS MI 48303

In re Application of:  
MARKOWITZ, H. TOBY et al  
Serial No. 12/423,994  
Filed: April 15, 2009  
Docket: 5074D-000005/US/COD  
Title: CORRECTING FOR DISTORTION IN A  
TRACKING SYSTEM

DECISION ON PETITION

This is a decision on the petition electronically filed March 12, 2012 requesting expunge of Information Disclosure Statement (Form 1449) with an EFS Receipt ID No. 12271344. In the petition, petitioner requests expunge of the IDS (one page) inadvertently or improperly filed on March 12, 2012 from the case. A fee of \$200.00 under 37 CFR 1.17(g) was charged to the attorney's Deposit Account.

The petition is **granted**.

The USPTO does not remove any papers filed in an application. However, since the applicant has mistakenly filed the wrong IDS document on March 9, 2012, the IDS documents has been blocked from public view in the PAIR system.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED

  
\_\_\_\_\_  
Angela D. Sykes, Director  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/423,997, inventor Linyi TIAN, and examiner HWANG, JOON H.

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Nomi Armes

Patent Publication Branch
Office of Data Management

Adjustment date: 09/01/2010 NFARNER
04716/2J89 INTFCR 00220260 121216 12423997
22 FC:1111 540.00 CR
04 FC:1201 440.00 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**DOW AGROSCIENCES LLC  
9330 ZIONSVILLE RD  
INDIANAPOLIS IN 46268**

**MAILED**

**AUG 02 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Siddall et al. :  
Application No. 12/424,044 : **DECISION ON PETITION**  
Filed: April 15, 2009 :  
Attorney Docket No. 66944A US :

This is a decision on the petition under 37 CFR 1.137(b), filed June 22, 2010 revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue fee on or before May 25, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 25, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on May 26, 2010. A Notice of Abandonment was mailed June 16, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (2).

With regards to item (2) petitioner has failed to submit the large entity petition fee of \$1,620.00. Therefore, due to the nonpayment of the required petition fee the petition cannot be considered on the merits.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. The petition in the above-identified application was not accompanied by payment of the required fee. **No consideration on the merits can be given to the petition until the required fee is received.**

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. 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.

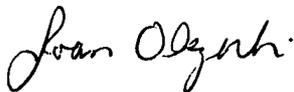
Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**DOW AGROSCIENCES LLC  
9330 ZIONSVILLE RD  
INDIANAPOLIS IN 46268**

**MAILED  
OCT 06 2010  
OFFICE OF PETITIONS**

In re Application of :  
Siddall et al. :  
Application No. 12/424,044 : **DECISION ON PETITION**  
Filed: April 15, 2009 :  
Attorney Docket No. 66944A US :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 25, 2010, as required by the Notice of Allowance and Fee(s) Due mailed February 25, 2010. Accordingly, the date of abandonment of this application is May 26, 2010. A Notice of Abandonment was mailed June 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510.00 and the publication fee of \$300.00 (previously submitted on June 22, 2010), (2) the petition fee of \$1,620.00; 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 application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski  
Petitions Examiner  
Office of Petitions

Practitioner's Docket No. STL14264

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Andrew John Carter, Maroun Georges Khoury, Yong Lu and Roger Glenn Rolbiecki

Application No.: 12/424,065

Filed: 04/15/09

For: NON-VOLATILE MEMORY CELL WITH MULTIPLE RESISTIVE SENSE ELEMENTS SHARING A COMMON SWITCHING DEVICE

**CERTIFICATE OF EFS SUBMISSION (37 C.F.R. § 1.8(a)(i)(1)(C))**

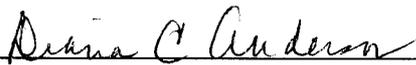
I hereby certify that on August 12, 2010 the following correspondence:

Name of Paper: Petition Under 37 CFR 1.102 to Accord Special Status for  
Examination Under Project Exchange/Patent Application Backlog  
Reduction Stimulus Plan  
Copy of Letter of Express Abandonment and Statements

Number of Pages: 4

Fees: None

is being submitted to the Patent and Trademark Office via the Office Electronic Filing System in accordance with § 1.6(a)(4) at \_\_\_\_\_ local time.

  
\_\_\_\_\_  
Signature

Telephone Number: 405-232-0621

Diana C. Anderson  
Type or print name of person certifying

**NOTE:** It is advisable to keep a copy of certification of EFS-Web transmission § 1.8), including the list of papers submitted, to establish the local time of the submissions if such evidence is needed

Filed Electronically on August 12, 2010

*PATENT*  
Dkt. STL14264

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Andrew John Carter, Maroun Georges Khoury, Yong Lu and Roger Glenn Rolbiecki**  
Assignee: **SEAGATE TECHNOLOGY LLC**  
Application No.: **12/424,065** Group No.: **2824**  
Filed: **04/15/2009** Examiner: **Van Thu T. Nguyen**  
For: **NON-VOLATILE MEMORY CELL WITH MULTIPLE RESISTIVE SENSE ELEMENTS SHARING A COMMON SWITCHING DEVICE**

**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?

Copending application S.N. 12/015,966 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 S.N. 12/015,966 filed January 17, 2008.

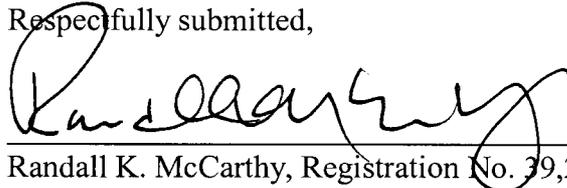
5. Applicant certifies that petitions requesting special status under this program have not been filed in more than fourteen other applications.
6. Applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special 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: \_\_\_\_\_

8/12/10

Respectfully submitted,



\_\_\_\_\_  
Randall K. McCarthy, Registration No. 39,297  
Fellers, Snider, Blankenship, Bailey & Tippens, PC  
100 North Broadway, Suite 1700  
Oklahoma City, OK 73102  
Telephone: 405-232-0621  
Fax: 405-232-9659  
Customer No. 73462

Filed Electronically on August 12, 2010

PATENT  
Dkt. 55643.22.1 (STL13774)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Yang Li, Haiwen Xi, Insik Jin and Song S. Xue**  
Assignee: **SEAGATE TECHNOLOGY LLC**  
Application No.: **12/015, 966** Group No.: **2629**  
Filed: **01/17/2008** Examiner: **Richard A. Hjerpe**  
For: **POSITION DETECTING DISPLAY PANEL**

**COPY**

**Mail Stop Express Abandonment**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**LETTER OF EXPRESS ABANDONMENT OF APPLICATION (37 C.F.R. 1.138(a))**

The above application, S.N. 12/015,966, is hereby expressly abandoned.

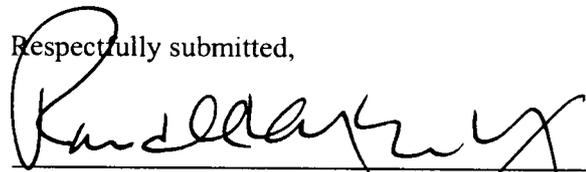
**Statements Accompanying Letter of Express Abandonment**

1. 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.
2. Applicant agrees not to request a refund of any fees paid in the expressly abandoned application.
3. Applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application
4. This Express Abandonment is being provided pursuant to USPTO Project Exchange/Patent Application Backlog Reduction Stimulus Plan to accord special status for copending U.S. Application No. 12/424,065, assigned to the assignee of the present application.

Date: \_\_\_\_\_

8/12/10

Respectfully submitted,



Randall K. McCarthy, Registration No. 39,297  
Fellers, Snider, Blankenship, Bailey & Tippens, PC  
100 North Broadway, Suite 1700  
Oklahoma City, OK 73102  
Telephone: 405-232-0621  
Fax: 405-232-9659  
Customer No. 73462



Fellers, Snider, Blankenship, Bailey & Tippens, PC  
(Seagate Technology LLC)  
100 North Broadway, Suite 1700  
Oklahoma City OK 73102-8820

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

In re Application of :  
CARTER et al. :  
Application No. 12/424065 :  
Filed: April 15, 2009 :  
Attorney Docket No. **STL14264** :

DECISION ON PETITION  
TO MAKE SPECIAL  
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed August 12, 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



SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

**MAILED**

NOV 16 2011

OFFICE OF PETITIONS

In re Patent No. 8,026,651 :  
Issued: September 27, 2011 :  
Application No. 12/424,118 :  
Filed: April 15, 2009 :  
Attorney Docket Number: 23993 :

ON PETITION

This is a decision on the petition, filed under 37 CFR 1.323 on October 27, 2011, to correct the assignee's information on the front of the Patent.

The petition is **DISMISSED**.

Petitioner states that the name of a second assignee was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee in the instant matter. Accordingly, petitioner requests that a certificate of correction be issued to reflect the names of the assignees on the front page of the Letters Patent.

Petitioner is advised that while a certificate of correction, and fee, has been provided, the correction to assignee information cannot be corrected without a petition and fee under 1.183 waiving the requirements under 37 CFR 3.81,(b)<sup>1</sup>.

37 CFR 3.81(b), effective June 25, 2004, reads:

*After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The petition therefore is not grantable.

---

<sup>1</sup> See Official Gazette of June 22, 2004

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    Mail Stop Petitions  
                                  Commissioner for Patents  
                                  P.O. Box 1450  
                                  Alexandria, VA 22313-1450

By FAX:                    (571) 273-8300  
                                  Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

**MAILED**

DEC 08 2011

OFFICE OF PETITIONS

In re Patent No. 8,026,651 :  
Issued: September 27, 2011 :  
Application No. 12/424,118 :  
Filed: April 15, 2009 :  
Attorney Docket Number: 23993 :

ON PETITION

This is a decision on the PETITION UNDER 37 C.F.R. § 1.183 or 3.81(b) filed December 2, 2011, to accept the correction of the assignee on the front page of the above-identified patent.

The petition is **GRANTED**.

Petitioner states that the name of a second assignee was inadvertently not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee in the instant matter. Accordingly, petitioner requests that a certificate of correction be issued to reflect the names of the assignees on the front 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.

Office assignment records reflect that OLYMPUS MEDICAL SYSTEMS CORP., TOKYO (JP) and OLYMPUS CORPORATION, TOKYO (JP) are both assignees of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The petition fee in the amount of \$130 and the fee for the certificate of correction in the amount of \$100 have been charged to deposit account no. 19-1013.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE NC 28280-4000

**MAILED**  
**FEB 28 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Strong et al. :  
Application No. 12/424,127 : **ON PETITION**  
Filed: April 15, 2009 :  
Attorney Docket No. 056479/389506 :  
For: CHILD SEAT HAVING A CRUSH  
ZONE

This is a decision on the petition, filed January 31, 2012, 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 timely submit a reply within three (3) months of the mailing of the June 10, 2011 non-final Office action. No response being received and no proper extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on September 11, 2011. A Notice of Abandonment was mailed on January 4, 2012.

Applicants have submitted an amendment in reply to the June 10, 2011 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 10, 2011 non-final Office action, and the \$1,860.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1,270.00 extension of time submitted with the petition on January 31, 2012 was submitted subsequent to the expiration of the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' deposit account.

After the mailing of this decision, the application will be returned to Technology Center AU 3636 for consideration of the amendment filed on January 31, 2012.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive style with a large initial "S".

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/424,167, inventor Yawen Xiao, and attorney Brinks Hofer Gilson & Lione.

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

Administrative stamp: RECEIVED SEP 22 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**FOLEY HOAG, LLP**  
Patent Group  
World Trade Center West  
155 Seaport Blvd.  
Boston, MA 02110

**MAILED**

**MAR 23 2011**

**OFFICE OF PETITIONS**

In re Application of  
Lawrence T. Boni, et al.  
Application No. 12/424,177  
Filed: April 15, 2009  
Attorney Docket No. TRA-008.05

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Beth E. Arnold, Jr. 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: **Transave, Inc.**  
**Princeton Corporate Plaza**  
**11 Deer Plaza Drive**  
**Monmouth Junction, NJ 08852**



**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
12/424,177	04/15/2009	Lawrence T. Boni	TRA-008.05

**CONFIRMATION NO. 1024**

**POWER OF ATTORNEY NOTICE**



Date Mailed: 03/22/2011

25181  
FOLEY HOAG, LLP  
PATENT GROUP, WORLD TRADE CENTER WEST  
155 SEAPORT BLVD  
BOSTON, MA 02110

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 02/09/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes sub-tables for 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 of Mimi Farnes
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/424,306	04/15/2009	Jae-Sung BAE	P2598US00	1314
58027	7590	12/08/2010	EXAMINER	
H.C. PARK & ASSOCIATES, PLC 8500 LEESBURG PIKE SUITE 7500 VIENNA, VA 22182			HJERPE, RICHARD A	
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			12/08/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENT@PARK-LAW.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

H.C. PARK & ASSOCIATES, PLC  
8500 LEESBURG PIKE  
SUITE 7500  
VIENNA VA 22182

In re Application of :  
BAE, JAE-SUNG, et al. :  
Application No. 12/424,306 :  
Filed: April 15, 2009 :  
Attorney Docket No.: **P2598US00** :  
: **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 5, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

---

Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE NC 28280-4000

**MAILED**  
**APR 03 2012**  
**OFFICE OF PETITIONS**

In re Patent No. 8,155,073 :  
Issue Date: 04/10/2012 :  
Application No. 12/424405 : ON PETITION  
Filed: 04/15/2009 :  
Attorney Docket No. 038779/371224 :

This is a decision on the petition under 37 CFR 3.81(b) filed on March 13, 2012, to correct the names of the assignees on the front page of the above-identified patent by way of a Certificate of Correction.

Pursuant to 37 CFR 3.81(b):

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 request is **DISMISSED**.

Petitioners did not include a draft Certificate of Correction stating the correction requested. A completed Certificate of Correction form (PTO/SB/44) accompanied by the requisite fee set forth in 37 CFR 1.20(a) should be submitted with any renewed request.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-8300  
Attn: Office of Petitions

By hand: Customer Service Window  
Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Correspondence may also be submitted electronically via EFS-Web.

Telephone inquiries concerning this decision 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

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE NC 28280-4000

**MAILED**  
**APR 12 2012**

**OFFICE OF PETITIONS**

In re Patent No. 8,155,073 :  
Issued: 04/10/2012 :  
Application No. 12/424,405 : **NOTICE**  
Filed: 04/15/2009 :  
Attorney Docket No. 038779/371224 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed March 8, 2012.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

COY BARNES  
1607 VIA ROSA  
PASO ROBLES CA 93446

**MAILED**  
**SEP 24 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Coy Barnes :  
Application No. 12/424,460 : ON PETITION  
Filed: April 15, 2009 :  
Title: Apparatus and Methods for :  
Improved Wine Bottle Pouring :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 23, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts, mailed April 30, 2009. This Notice set an extendable period for reply of two (2) months for applicant to submit an executed oath or declaration. No reply having been received, the application became abandoned on July 1, 2009. A Notice of Abandonment was mailed on January 8, 2010. Applicant filed a petition to withdraw the holding of abandonment on January 20, 2010. However, the petition was dismissed in a decision mailed on March 25, 2010. Applicant filed renewed petitions on April 20, 2010 and June 25, 2010, which were again dismissed in decisions mailed on May 17, 2010 and July 13, 2010.

With the instant renewed petition, petitioner has submitted a properly executed declaration containing the residence and mailing address of inventor Barnes. The other requirements for a grantable petition under 37 CFR 1.137(b) have been previously satisfied.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**KERR IP GROUP, LLC**  
**MICHAEL A. KERR**  
**P.O. Box 18600**  
**RENO NV 89511**

**MAILED**

**AUG 11 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Robert A. Luciano, Jr. :  
Application No. 12/424,483 : **DECISION ON PETITION**  
Filed: April 15, 2009 :  
Attorney Docket No. EDG 09.02 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed December 29, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 30, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3721 for appropriate action by the Examiner in the normal course of business on the reply received July 8, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**HEWLETT-PACKARD COMPANY  
INTELLECTUAL PROPERTY ADMINISTRATION  
3404 E. HARMONY ROAD  
MAIL STOP 35  
FORT COLLINS CO 80528**

**MAILED  
JUL 18 2011  
OFFICE OF PETITIONS**

In re Application of :  
STRONG, et al :  
Application No. 12/424,487 : DECISION ON PETITION  
Filed: April 15, 2009 :  
Attorney Docket No. 24772-15542 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before May 24, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 24, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 25, 2011. A Notice of Abandonment was mailed June 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and publication fee of \$300; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

The petition fee of \$1620 as required under the provisions of 37 CFR 1.137(b), will be charged as authorized to Deposit Account No. 08-2025.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This matter 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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**  
**1279 OAKMEAD PARKWAY**  
**SUNNYVALE CA 94085-4040**

**MAILED**  
**MAY 16 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Philippe Kahn, et al. :  
Application No. 12/424,492 : DECISION GRANTING PETITION  
Filed: April 15, 2009 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 8689P064 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 13, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on April 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 should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2862 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/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.*