

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: | 12/436,704 | Filing date: | May 6, 2009 |
|-----------------|------------|--------------|-------------|

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|-----------------------|----------------|
| First Named Inventor: | Lemuel S. PARK |
|-----------------------|----------------|

| | |
|-------------------------|--|
| Title of the Invention: | COLLECTING AND SCORING ONLINE REFERENCES |
|-------------------------|--|

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/US2009/046100

The international filing date of the corresponding PCT application(s) is/are:
June 3, 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.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

| | | | |
|--|--|--|------------------|
| Applicant's or agent's file reference 17734.1.1A | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/US2009/046100 | International filing date (<i>day/month/year</i>) 03 June 2009 (03.06.2009) | Priority date (<i>day/month/year</i>) 09 June 2008 (09.06.2008) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant BRIGHTEDGE TECHNOLOGIES, INC. | | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.
3. This report contains indications relating to the following items:

| | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |
4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

| | |
|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 | Date of issuance of this report 13 December 2010 (13.12.2010) |
| | Authorized officer Dorothee Mülhausen e-mail: pt01.pct@wipo.int |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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|---|
| To: ISRAELSEN R. BURNS WORKMAN NYDEGGER 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY UT 84111 USA |
|---|

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|--|--|--|
| Applicant's or agent's file reference 17734.1.1A | | Date of mailing (day/month/year) 30 DECEMBER 2009 (30.12.2009) |
| International application No. PCT/US2009/046100 | | International filing date (day/month/year) 03 JUNE 2009 (03.06.2009) |
| International Patent Classification (IPC) or both national classification and IPC <i>G06F 17/30(2006.01)i, G06F 17/40(2006.01)i</i> | | Priority date(day/month/year) 09 JUNE 2008 (09.06.2008) |
| Applicant OPTIWEBER, INC. et al | | |
| <p>1. This opinion contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><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</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p> <p>2. FURTHER ACTION</p> <p>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.</p> <p>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.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p> | | |

| | | |
|---|---|---|
|  <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 29 DECEMBER 2009 (29.12.2009)</p> | <p>Authorized officer AN, BYUNG IL Telephone No.82-42-481-8471</p>  |
|---|---|---|

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/046100

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/US2009/046100

**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>1-22</u> | YES |
| | Claims | <u>NONE</u> | NO |
| Inventive step (IS) | Claims | <u>1-22</u> | YES |
| | Claims | <u>NONE</u> | NO |
| Industrial applicability (IA) | Claims | <u>1-22</u> | YES |
| | Claims | <u>NONE</u> | NO |

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2003/0208482 A1 (BRIAN S. KIM et al.) 6 NOVEMBER 2003

D2: US 2007/0203891 A1 (JOHN A. SOLARO et al.) 30 AUGUST 2007

D3: US 2007/0233649 A1 (CHUANG WANG et al.) 4 OCTOBER 2007

1. Novelty and Inventive Step

1.1 Claims [1-12]

The subject matter of claim 1 differs from that of D1 - D3 in crawling the internet for online references to an entity, wherein crawling the internet comprises searching one or more channels of the internet for references to the entity and evaluating the one or more signals and constructing a reverse index of the references, wherein the reverse index is based on each channel in which a reference is found and the one or more signals evaluated for the reference. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims [2-12] are dependant on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

(continued on the supplemental box)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/046100

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 19 relates to a system, but claim 20 dependant on claim 19 relates to a method. As claim 20 does not clearly define the matter for which protection is sought, this claim does not meet the requirement of PCT Article 6.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of :

(box V)

1.2 Claims [13-22]

The subject matter of claim 13 differs from that of D1 - D3 in comprising one or more worker nodes, wherein the worker nodes are configured to perform the internet crawls assembled by a deep index engine and one or more coordinators, wherein the coordinators are configured to launch jobs for the one or more worker nodes from a job queue. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 13 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims [14-22] are dependant on claim 13 and therefore meet the requirements of PCT Article 33(2) and (3).

2. Industrial Applicability

Claims 1-22 are industrially applicable under PCT Article 33(4).

CLAIMS

What is claimed is:

1. A method for indexing online references of an entity, the method
5 comprising:
 - identifying one or more channels of the Internet to be searched for
references to an entity;
 - identifying one or more signals to be evaluated within each of the
one or more channels, the signals that are evaluated including information
10 about the references to the entity;
 - crawling the Internet for online references to the entity, wherein
crawling the Internet comprises searching the one or more channels of the
Internet for references to the entity and evaluating the one or more signals;
and
 - 15 constructing a reverse index of the references, wherein the reverse
index is based on each channel in which a reference is found and the one
or more signals evaluated for the reference.
2. A method according to claim 1, wherein the references to the entity
include one or more of: online advertisements, news items or organic references
20 associated with the entity.
3. A method according to claim 1, the method further comprising
compiling a search engine optimization score.
4. A method according to claim 1, the method further comprising
compiling an advertisement score.
- 25 5. A method according to claim 1, wherein the entity to be indexed is
identified based on a customer request.
6. A method according to claim 1, wherein one or more of the
following channels are searched: organic searches, page searches, linked
advertisement networks, banner advertisements, contextual advertisements, e-
30 mail, blogs, social networks, social news, affiliate marketing, mobile
advertisements, media advertisements, video advertisements, discussion forums,
news sites, rich media, social bookmarks, paid searches and in-game
advertisements.

7. A method according to claim 1, wherein crawling the Internet further comprises crawling a Web Page and wherein one or more of the following signals are evaluated for the crawled Web Page: frequency of the reference on a given Web Page, location of the reference on the Web Page, calendar date of the crawl, calendar date of Web Page posting, time of day of the crawl, time of day of Web Page posting, context-driven Web indexing, time to download the Web Page, Web browser compatibility of the Web Page or Web plug-in compatibility of the Web Page.

8. A method according to claim 7, wherein context-driven Web indexing includes context-driven Web indexing based on one or more of: links, current events and topic.

9. A method according to claim 1, wherein crawling the Internet further comprises crawling e-mail messages, whether subscribed or unsolicited, and wherein one or more of the following signals are evaluated for the crawled e-mail message: frequency of the e-mail message received, outbound links on the e-mail message, calendar date of the e-mail message received, or time of day of the e-mail message received.

10. A method according to claim 1, wherein crawling the Internet further comprises simulating the activities of a human user of the Internet.

11. A method according to claim 10, wherein simulating the activities of a human user of the Internet comprises mimicking or providing as input at least one attribute associated with a human user of the internet, the at least one attribute including one or more of: a geographic location, a time of browsing, an age, an income level, or an e-mail address.

12. A method according to claim 1, wherein constructing a reverse index further comprises performing a trend analysis of the online references.

13. A system for indexing online references of an entity, the system comprising:

a deep index engine, wherein the deep index engine is configured to assemble parameters for crawling the Internet and to insert crawls to be performed into a job queue;

one or more worker nodes, wherein the worker nodes are configured to perform the Internet crawls assembled by the deep index engine; and

one or more coordinators, wherein the coordinators are configured to launch jobs for the one or more worker nodes from the job queue.

14. A system according to claim 13, wherein the deep index engine is further configured to assemble parameters for a reverse index and to insert jobs regarding the creation of the reverse index into the job queue.

15. A system according to claim 13, wherein one or more of the deep index engine, the job queue, the worker nodes and the coordinators are implemented in hardware.

16. A system according to claim 13, wherein one or more of the deep index engine, the job queue, the worker nodes and the coordinator are implemented in software stored on a physical computer-readable medium.

17. A system according to claim 13, wherein the assembled parameters identify one or more channels to be searched.

18. A system according to claim 17, wherein the one or more identified channels include one or more of: organic searches, page searches, linked advertisement networks, banner advertisements, contextual advertisements, e-mail, blogs, social networks, social news, affiliate marketing, mobile advertisements, media advertisements, video advertisements, discussion forums, news sites, rich media, social bookmarks, paid searches and in-game advertisements.

19. A system according to claim 13, wherein the assembled parameters identify one or more signals to be evaluated.

20. A method according to claim 19, wherein the one or more identified signals include one or more of: frequency of the reference on a given Web Page, location of the reference on the Web Page, calendar date of the crawl, calendar date of Web Page posting, time of day of the crawl, time of day of Web Page posting, context-driven Web indexing, time to download the Web Page, Web browser compatibility of the Web Page or Web plug-in compatibility of the Web Page.

21. A system according to claim 13, wherein the one or more worker nodes are further configured to simulate the activities of a human user of the Internet, wherein simulating the activities of a human user of the internet comprises mimicking or providing as input at least one attribute associated with a human user of the internet, the at least one attribute including one or more of: a

geographic location, a time of browsing, an age, an income level, or an e-mail address.

22. A system according to claim 13, wherein the one or more worker nodes are further configured to connect to the Internet through multiple Internet service providers to simulate human users accessing the Internet from different geographic locations.
- 5



UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/436,704 | 05/06/2009 | Lemuel S. Park | 17734.1.1 | 5949 |
| 97149 | 7590 | 04/22/2011 | EXAMINER | |
| Maschoff Gilmore & Israelsen 1441 W. Ute Blvd., Suite 100 Park City, UT 84098-7633 | | | JAMI, HARES | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2162 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 04/22/2011 | ELECTRONIC |

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

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

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

docket@mgiip.com
jgadd@mgiip.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

Maschoff Gilmore & Israelsen
1441 W. Ute Blvd., Suite 100
Park City UT 84098-7633

In re Application of: PARK et al.
Application No. 12/436,704
Atty Docket #: 17734.1.1
Filed: May 6, 2009
For: **COLLECTING AND SCORING
ONLINE REFERENCES**

**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 February 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 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:

- 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

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United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 12/436,712 | 05/06/2009 | THOMAS D. GRAHAM | 80006-00901 | 5967 |
| 76656 | 7590 | 04/11/2011 | EXAMINER TAWFIK, SAMEH | |
| Patent Docket Department Armstrong Teasdale LLP 7700 Forsyth Boulevard Suite 1800 St. Louis, MO 63105 | | | ART UNIT | PAPER NUMBER |
| | | | 3721 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 04/11/2011 | 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):

USpatents@armstrongteasdale.com



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
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Alexandria, Virginia 22313-1450

| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 12436712 | 5/6/2009 | GRAHAM ET AL. | 80006-00901 |

Patent Docket Department
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

EXAMINER

Sameh H.. Tawfik

| ART UNIT | PAPER |
|----------|----------|
| 3721 | 20110406 |

3721 20110406

DATE MAILED:

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

Commissioner for Patents

The filed correctoin of inventorship filed on 12/09/2009 has been approved and entered.

/Sameh H. Tawfik/
Primary Examiner, Art Unit 3721



UNITED STATES PATENT AND TRADEMARK OFFICE

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

OMIKRON IP LAW GROUP
16325 BOONES FERRY RD.
SUITE 204
LAKE OSWEGO, OR 97035

MAILED
NOV 14 2011
OFFICE OF PETITIONS

In re Application of
Xiaotie Deng et al
Application No. 12/436,722
Filed: May 6, 2009
Attorney Docket No. 002.P040

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 4, 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 above-identified application became abandoned on July 5, 2011.

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). Accordingly, since the \$1270 extension of time submitted with the petition on October 31, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

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

This matter is being referred to Technology Center AU 2154 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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VIERRA MAGEN MARCUS & DENIRO LLP
575 MARKET STREET, SUITE 2500
SAN FRANCISCO CA 94105

MAILED
JUN 17 2011
OFFICE OF PETITIONS

| | | |
|-----------------------------------|---|----------------------|
| In re Application of | : | |
| CITRAWIREJA, et al | : | |
| Application No. 12/436,726 | : | DECISION ON PETITION |
| Filed: May 6, 2009 | : | TO WITHDRAW |
| Attorney Docket No. CITR-01000US1 | : | 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 16, 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 Brian I. Marcus on behalf of the attorneys of record associated with Customer No. 28554.

The attorneys of record associated with Customer No. 28554 have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SAMINO CITRAWIREJA
7708 SONOMA HIGHWAY
SANTA ROSA CA 95409



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/436,726 | 05/06/2009 | Samino Citrawireja | CITR-01000US1 |

CONFIRMATION NO. 5990

POWER OF ATTORNEY NOTICE



Date Mailed: 06/16/2011

28554
Vierra Magen Marcus & DeNiro LLP
575 Market Street, Suite 2500
San Francisco, CA 94105

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/16/2011.

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

/dcgoodwyn/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Decision Date : September 6,2011

In re Application of :

Alexander Lee

Application No : 12436750

Filed : 06-May-2009

Attorney Docket No : Lee 91 US

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 6,2011

The request is **APPROVED**.

The request was signed by Carol Larcher (registration no. 35243) on behalf of all attorneys/agents associated with Customer Number 71385 . All attorneys/agents associated with Customer Number 71385 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 Alexander S. Lee
Name2
Address 1 4918 Farwell Ave.
Address 2
City Skokie
State IL
Postal Code 60077
Country US

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

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

Office of Petitions

| | | |
|---|---|--|
| Doc Code: PET.AUTO | | PTO/SB/83 |
| Document Description: Petition automatically granted by EFS-Web | | U.S. Patent and Trademark Office Department of Commerce |
| Electronic Petition Request | REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS | |
| Application Number | 12436750 | |
| Filing Date | 06-May-2009 | |
| First Named Inventor | Alexander Lee | |
| Art Unit | 3782 | |
| Examiner Name | JES PASCUA | |
| Attorney Docket Number | Lee 91 US | |
| Title | BAG, TOTE, AND BACKPACK WITH CHANNEL-ANCHORED DRAWSTRINGS | |
| <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: | | 71385 |
| The reason(s) for this request are those described in 37 CFR: 10.40(b)(3) 10.40(c)(1)(iv) | | |
| Certifications | | |
| <input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment | | |
| <input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled | | |
| <input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond | | |
| Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71: | | |
| Name | Alexander S. Lee | |
| Address | 4918 Farwell Ave. | |
| City | Skokie | |
| State | IL | |
| Postal Code | 60077 | |

| | |
|--|-----------------|
| Country | US |
| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
| Signature | /Carol Larcher/ |
| Name | Carol Larcher |
| Registration Number | 35243 |



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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
Fairfax, VA 22033

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Patent No. 8,119,945 :
Issued: 02/21/2012 :
Application No. 12/436,797 : **NOTICE**
Filed: 05/07/2009 :
Attorney Docket No. 5403/0152PUS1 :

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



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Paper No.

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

MAILED
DEC 19 2011

OFFICE OF PETITIONS

| | | |
|-------------------------------|---|----------------------|
| In re Patent No. 7,952,143 | : | |
| Issue Date: May 31, 2011 | : | |
| Application No. 12/436,888 | : | |
| Inventor: Soeno et al. | : | DECISION ON PETITION |
| Filed: May 7, 2009 | : | PURSUANT TO |
| Attorney Docket No. 10517/487 | : | 37 C.F.R. § 1.182 |
| Title: SEMICONDUCTOR DEVICE | : | |
| HAVING IGBT AND DIODE | : | |

This is a decision on the petition filed on November 9, 2011, pursuant to 37 C.F.R. § 1.182, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The file record discloses that application No. 12/436,888 matured into U.S. Patent No. 7,952,143 on May 31, 2011. The electronic records further reveal that on that same date, the Patent Grant was mailed to the address of record. However, Petitioner requests a duplicate, contending that the Letters Patent was not received. The \$400 petition fee will be charged to Deposit Account Number 11-0600 in due course.

The petition is **GRANTED**. **The Publishing Division is directed to issue a duplicate Letters Patent.** The Publishing Division (which may be reached at 571-272-4200) will be made aware of this decision in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.¹



Paul Shanoski
Senior Attorney
Office of Petitions

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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/436,916 | 05/07/2009 | Akio IKEDA | 0229-1065PUS1 | 6426 |
| 2292 | 7590 | 10/08/2010 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | ART UNIT | PAPER NUMBER |
| | | | 1791 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 10/08/2010 | 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):

mailroom@bskb.com



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OCT 8 2010

CST

| | | |
|-----------------------|---|--------------------------|
| In re application of | : | DECISION ON REQUEST TO |
| Akio Ikeda | : | PARTICIPATE IN PATENT |
| Serial No. 12/436,916 | : | PROSECUTION HIGHWAY |
| Filed: May 7, 2009 | : | PROGRAM AND |
| For: PNEUMATIC TIRE | : | PETITION TO MAKE SPECIAL |
| | : | UNDER 37 CFR 1.102(a) |
| | : | |
| | : | |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 12, 2010.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:

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

(3) Applicant must:

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

Application No. 12/436,916

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
 - c. A statement that the English translation is accurate;
- (6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/18/10

Paper No.: _____

TO SPE OF : ART UNIT 3612

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/436970 Patent No.: 7748772 B2

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: _____

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

3612



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MAILED

SEP 24 2010

OFFICE OF PETITIONS

**LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016**

In re Application of :
Marco Grethel et al. :
Application No. 12/436,994 : **DECISION ON PETITION**
Filed: May 7, 2009 :
Attorney Docket No. LUK-09 :

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 16, 2009 which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 17, 2010. A Notice of Abandonment was mailed on June 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 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 3655 for appropriate action by the Examiner in the normal course of business on the reply received July 20, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/437,014 | 05/07/2009 | Barry Asher Mahler | FL1466USNA | 6628 |
| 23906 | 7590 | 01/18/2011 | EXAMINER | |
| E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1122B 4417 LANCASTER PIKE WILMINGTON, DE 19805 | | | HARDEE, JOHN R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1761 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 01/18/2011 | ELECTRONIC |

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

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

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

PTO-Legal.PRC@usa.dupont.com



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el

Mailed : 01/18/11 :
In re application of :
Barry Asher Mahler : DECISION ON
Serial No. 12/437,014 : PETITION
Filed: May 07, 2009 :
For: COMPOSITIONS COMPRISING 1,1,1,2,3-PENTAFLUOROPROPANE OR 2,3,3,3-
TETRAFLUOROPROPENE

This is a decision on the PETITION UNDER 37 CFR 1.144 TO REVIEW THE WITHDRAWAL OF CLAIMS 5-15 FROM EXAMINATION FOR BEING DRAWN TO NON-ELECTED SPECIES made in the final rejection mailed October 05, 2010.

On January 11, 2010, restriction requirement was made by the examiner. The restriction requirement detailed two groups. The invention of Group I, claims 1-2, being drawn to compositions comprising HFO-1234 yf. And, the invention of Group II, claim 3, being drawn to compositions comprising HFC-245 eb. The restriction requirement also stated that the inventions listed as Groups I-II are unrelated as the inventions have different effects, having different boiling temperatures. The restriction requirement also included a species requirement. The examiner required Applicant to elect a single disclosed additional species, components recited in claims 1-3, for prosecution on the merits.

On February 15, 2010, Applicant filed a response to the restriction/election requirement. In the response, Applicant elected the invention of Group I without traverse. Applicant also elected species HFO-1243zf.

In view of Applicant's election, the examiner proceeded with the examination of the elected invention and species and issued a non-final office action on April 19, 2010. In response to the non-final office action, Applicant filed an amendment that includes the addition of new claims 5-15. In the next office action, a final office action, mailed October 05, 2010, the examiner noted that newly added claims 5-15 are withdrawn from examination as being drawn to non-elected species.

On October 12, 2010, the instant petition under 37 CFR 1.144 was filed to formally request REVIEW THE WITHDRAWAL OF CLAIMS 5-15 FROM EXAMINATION FOR BEING DRAWN TO NON-ELECTED SPECIES made in the final rejection mailed October 05, 2010.

Applicant's position for review of the withdrawal of claims 5-15 from examination for being drawn to non-elected species is that the claims are directed at combinations of the elected invention, a composition comprising HFO-1234yf and HFC-245eb—the subcombination; and that the examiner has failed to demonstrate that a serious burden would be imposed by examination of claims 5-15.

DECISION

MPEP 806.05(c) states:

To support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., there would be a *>serious<* search burden *>if restriction were not required<* as evidenced by separate classification, status, or field of search. See MPEP § 808.02.

The inventions are distinct if it can be shown that a combination as claimed: (A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and (B) the subcombination can be shown to have utility either by itself or in another materially different combination. When these factors cannot be shown, such inventions are not distinct.

MPEP 806.05(c) further states:

I. SUBCOMBINATION ESSENTIAL TO COMBINATION

AB sp / B sp No Restriction

Where a combination as claimed *>* requires *<* the details of *>a<* subcombination as separately claimed, there is *>usually<* no evidence that combination ABsp is patentable without the details of Bsp. The inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility. This situation can be diagrammed as combination ABsp (“sp” is an abbreviation for “specific”), and subcombination Bsp. Thus the specific characteristics required by the subcombination claim Bsp are also required by the combination claim.

In review of the restriction/election requirement mailed January 11, 2010 and the final office action mailed October 05, 2010 it is found that both the restriction/election requirement and the withdrawal of claims 5-15 from examination in the final office action is improper.

The restriction/election requirement is improper because it failed to allow Applicant the option to elect an invention with more than one additional compound. That is, independent claims 1 and 3 are directed to a composition comprising HFO-1234yf and HFC-245eb, respectively, and **at least one** additional compound selected from a Markush group. However, the issued restriction/election requirement limited Applicant to a composition comprising HFO-1234yf or HFC-245eb with **only one additional** compound via the species requirement. The option to elect more than one species was not made available to Applicant. Thus, even though Applicant elected without traverse, the restriction/election requirement is improper.

The restriction requirement is further improper as it sets forth that the invention of Group I is unrelated from the invention of Group II. Upon review of the original claims presented at the time the restriction requirement was issued, it is found that the composition of Group I is directed to comprise HFO-1234yf and at least one additional compound selected from a Markush group, wherein one of the listed member is HFC-245eb. And, it is found that the composition of Group I is directed to comprise HFC-245eb and at least one additional compound selected from a Markush group, wherein one of the listed member is HFO-1234yf. In the instant case, a composition comprising HFO-1234yf and HFC-245eb is present in both groups. Hence, the groups presented in the restriction requirement are also improper.

Regarding the withdrawal of newly added claims 5-15 from examination, the withdrawal of the claims is also improper. Claims 5 and 11-15 recite a dependency to examined claim 4, which depends on examined claim 1. Claim 4 clearly is directed at a composition comprising HFO-1234yf and HFO-1243zf. And, claims 5 and 11-15 are directed to the inclusion of additional compounds to the composition of claims 1 and 4. That is, claims 5 and 11-15 are directed at various combinations of the HFO-1234yf and HFO-1243zf, subcombination. In the instant case, the combination set forth by claims 5 and 11-15 requires the particulars of the elected subcombination. Hence, the combinations are not distinct from the subcombination. The same analysis also applies to claims 6-10. Thus, the withdrawal of claims 5-15 should not be maintained.

Moreover, it is noted that the examiner has failed to establish that it would be a serious burden to examine the elected subcombination with its various combinations as the prior art cited by the examiner teaches or suggests the elected subcombination and claimed combinations.

Accordingly, after review of the restriction requirement and the action taken by the examiner in response to Applicant's election, the petition to rescind the withdrawal of claims 5-15 from examination is **Granted**. The application is being forwarded to the examiner to rejoin all of the non-elected claims and prepare a new non-final office action addressing all pending claims.

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805



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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

MAILED
DEC 14 2010
OFFICE OF PETITIONS

In re Application of
Bernard Vau
Application No. 12/437,046
Filed: May 7, 2009
Attorney Docket No. 0510-1222

ON PETITION

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission and loss of small entity status filed November 30, 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.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

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

Your fee deficiency submission in the amount of \$693, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 12/437,066 | 05/07/2009 | William H. Eby | 1421-358 | 6753 |
| 32905 | 7590 | 08/02/2011 | EXAMINER | |
| JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108 | | | WORLEY, CATHY KINGDON | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1638 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 08/02/2011 | ELECTRONIC |

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

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

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

JondleOA@jondlelaw.com



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Alexandria, VA 22313-1450
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AUG 02 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of: :
William H. Eby :
Serial No.: 12/437,066 : PETITION DECISION
Filed: May 7, 2009 :
Attorney Docket No.: 1421-358 :

This is in response to the petition under 37 CFR § 1.59(b), filed May 13, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 13, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 12/437,066 | 05/07/2009 | William H. Eby | 1421-358 | 6753 |
| 32905 | 7590 | 10/17/2011 | EXAMINER | |
| JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108 | | | WORLEY, CATHY KINGDON | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1638 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 10/17/2011 | 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):

JondleOA@jondlelaw.com



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OCT 17 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 12/437,066
Filed: May 7, 2009
Attorney Docket No.: 1421-358

:
:
: PETITION DECISION
:
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 30, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on May 13, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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

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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/437,084 | 05/07/2009 | William H. Eby | 1421-359 | 6797 |
| 32905 | 7590 | 03/22/2011 | EXAMINER | |
| JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108 | | | KALLIS, RUSSELL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1638 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 03/22/2011 | ELECTRONIC |

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

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

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

JondleOA@jondlelaw.com



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MAR 22 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
William H. Eby
Serial No.: 12/437,084
Filed: May 7, 2009
Attorney Docket No.: 1421-359

:
:
: PETITION DECISION
:
:

This is in response to the petition under 37 CFR § 1.59(b), filed March 11, 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 March 11, 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, 703-872-9306.

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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/437,084 | 05/07/2009 | William H. Eby | 1421-359 | 6797 |
| 32905 | 7590 | 09/12/2011 | EXAMINER | |
| JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108 | | | KALLIS, RUSSELL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1638 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 09/12/2011 | 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



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SEP 12 2011

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of: :
William H. Eby :
Serial No.: 12/437,084 : PETITION DECISION
Filed: May 7, 2009 :
Attorney Docket No.: 1421-359 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 12, 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 March 11, 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

| | | |
|---|---|--|
| Doc Code: PET.AUTO | | PTO/SB/83 |
| Document Description: Petition automatically granted by EFS-Web | | U.S. Patent and Trademark Office Department of Commerce |
| Electronic Petition Request | REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS | |
| Application Number | 12437091 | |
| Filing Date | 07-May-2009 | |
| First Named Inventor | Martin Moskovits | |
| Art Unit | 2886 | |
| Examiner Name | ROY PUNNOOSE | |
| Attorney Docket Number | 655772015800 | |
| Title | SURFACED ENHANCED RAMAN SPECTROSCOPY SUBSTRATES | |
| <input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: | | 25226 |
| The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) | | |
| Certifications | | |
| <input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment | | |
| <input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled | | |
| <input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond | | |
| Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71: | | |
| Name | Abraxis Biosensors, LLC | |
| Address | 11755 Wilshire Blvd, Suite 2000 | |
| City | Los Angeles | |
| State | CA | |
| Postal Code | 90025 | |
| Country | US | |

| | |
|--|------------------------|
| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
| Signature | /Catherine M. Polizzi/ |
| Name | Catherine M. Polizzi |
| Registration Number | 40130 |



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : August 30,2011

In re Application of :

Martin Moskovits

Application No : 12437091

Filed : 07-May-2009

Attorney Docket No : 655772015800

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 30,2011

The request is **APPROVED**.

The request was signed by Catherine M. Polizzi (registration no. 40130) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Customer Number 25226 have been withdrawn.

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

Name Abraxis Biosensors, LLC
Name2
Address 1 11755 Wilshire Blvd, Suite 2000
Address 2
City Los Angeles
State CA
Postal Code 90025
Country US

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

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

Office of Petitions



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/437,144 | 05/07/2009 | William H. Eby | 1421-360 | 6919 |
| 32905 | 7590 | 03/22/2011 | EXAMINER | |
| JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108 | | | KALLIS, RUSSELL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1638 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 03/22/2011 | ELECTRONIC |

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

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

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

JondleOA@jondlelaw.com



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MAR 22 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/437,144

Filed: May 7, 2009

Attorney Docket No.: 1421-360

:
:
: PETITION DECISION
:
:

This is in response to the petition under 37 CFR § 1.59(b), filed March 11, 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 March 11, 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, 703-872-9306.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/437,144 | 05/07/2009 | William H. Eby | 1421-360 | 6919 |
| 32905 | 7590 | 08/25/2011 | EXAMINER | |
| JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108 | | | KALLIS, RUSSELL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1638 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 08/25/2011 | 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):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 25 2011

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of: :
William H. Eby :
Serial No.: 12/437,144 : PETITION DECISION
Filed: May 7, 2009 :
Attorney Docket No.: 1421-360 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 12, 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 March 11, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

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

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



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MAILED

JAN 04 2011

OFFICE OF PETITIONS

DAVIS BROWN KOEHN SHORS & ROBERTS PC
THE DAVIS BROWN TOWER
215 10TH STREET SUITE 1300
DES MOINES IA 50309

In re Application of :
Regenold, et al. :
Application No. 12/437,278 : ON PETITION
Filed: May 17, 2009 :
Attorney Docket No. 6750240/55010 :

This is a decision on the petition to revive under 37 CFR 1.137(a), filed December 2, 2010.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The above-identified application was held abandoned for failure to file a proper reply to the Notice to File Missing Parts, May 26, 2009. This Notice set an extendable period for reply of two (2) months for applicants to submit an oath or declaration, a surcharge for its late filing, and replacement drawings. On July 27, 2009, applicants filed the oath or declaration (made timely because July 26, 2009 fell on a Sunday). On July 31, 2009 (Certificate of Mailing dated July 27, 2009), applicants filed the surcharge for late filing of the oath or declaration, together with replacement drawings and color drawings. However, the Office mailed a Notice of Incomplete Reply on August 4, 2009, stating that replacement drawings were still needed because the drawings were blurry and needed to be reasonably free from erasures. In reply, on August 26, 2009, applicants filed a petition to accept color drawings, color drawings, and an amendment. This reply was made timely by including a one month

extension of time. The Office mailed a Notice of Abandonment on May 26, 2010, stating that applicants' reply filed on August 26, 2009 did not include replacement drawings. Applicants filed the instant petition to revive on December 2, 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 Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 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). 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.¹

Moreover, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."²

Based on the prosecution history recited above, it is obvious that applicants did file a timely reply to the Notice to File Missing Parts in that applicants filed: (1) an oath or declaration; (2) the surcharge; (3) a petition to accept color

¹ 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).

² Haines v. Quiqq, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

drawings, together with the color drawings and an Amendment.

In view thereof, it is concluded that petitioner has met his burden of establishing that the delay was unavoidable.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing, using the petition under 37 CFR 1.84 to accept color drawings (to be decided by the Supervisory Patent Examiner - see MPEP 1002.02(d)(9)), filed August 26, 2009 (made timely by including a one month extension of time).

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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**MICHAEL B. MARTIN
NALCO COMPANY
1601 WEST DIEHL ROAD
NAPERVILLE IL 60563-1198**

MAILED

FEB 16 2011

OFFICE OF PETITIONS

In re Application of :
Jacobson et al. :
Application No. 12/437,347 : **DECISION ON PETITION**
Filed: May 7, 2009 :
Attorney Docket No. 7928 D1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 13, 2010. A Notice of Abandonment was mailed January 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

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

This application is being referred to Technology Center AU 1741 for appropriate action by the Examiner in the normal course of business on the reply received.

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

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
250 PARK AVENUE
NEW YORK, NY 10177

MAILED

SEP 22 2010

OFFICE OF PETITIONS

| | | |
|--|---|---------------------------|
| In re Application of | : | |
| Christopher Max Colice, et al. | : | |
| Application No. 12/437,392 | : | DECISION ACCORDING STATUS |
| Filed: May 7, 2009 | : | UNDER 37 CFR 1.47(a) |
| Attorney Docket No.: 189916/US/2 - 475387-0063 | : | |

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed May 17, 2010.

The petition is **GRANTED**.

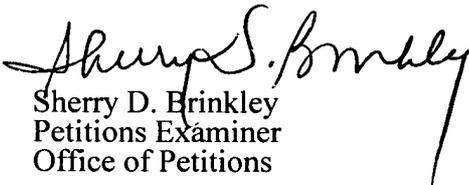
Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application. Further, the objection to the declaration filed December 21, 2010 has been corrected by way of the Application Data Sheet filed May 17, 2010. Therefore, the application and papers have been found to be 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.

The application file is being forwarded to Technology Center 3662 for appropriate action, including notifying applicant of the new status of this application.

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


 Sherry D. Brinkley
 Petitions Examiner
 Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INNOVATION DIVISION
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK NY 10022

MAILED

MAR 22 2012

In re Application of : **OFFICE OF PETITIONS**
Wallace, et al. :
Application No. 12/437,410 : DECISION ON PETITION
Filed: May 7, 2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 00-1011-C2 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 27, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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

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

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior

application. See, Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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

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

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

MAILED
SEP 22 2010
OFFICE OF PETITIONS

Applicants: Cioanta, et al.

Appl. No.: 12/437,411

Filing Date: May 7, 2009

Title: Medical Treatment System Including an Ancillary Medical Treatment Apparatus with an Associated Data Storage Medium

Attorney Docket No.: 69643.000069

Pub. No.: US 2009/0281464 A1

Pub. Date: November 12, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 7, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Applicant is reminded that PDF documents with multiple layers must be flattened prior to submission to ensure that the complete document is received by the USPTO and readable to the examiner or other deciding officials. If a document contains layers that are marked as "invisible", the invisible layers will be lost when the document is processed by the USPTO, and thus the official records in IFW will not contain the information on the invisible layers.¹

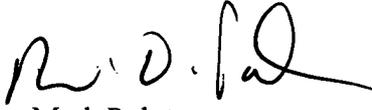
It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point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

¹ See EFS Legal Framework.

Application No.: 12/003,067

Page 2

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'M. Polutta', with a stylized flourish at the end.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :
William G. **TURNELL** et al. :
Application No. 12/437,435 :
Filed: May 07, 2009 :
Attorney Docket No. **MEDIV4000-1** :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 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 C.F.R 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: **(1) the first named inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened.** 37 CFR 3.71(c) states: An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

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

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

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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**WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070**

MAILED

MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of :
Donna M. Di Carlo et al. :
Application No. 12/437,471 : **DECISION ON PETITION**
Filed: May 7, 2009 : **TO WITHDRAW**
Attorney Docket No. 08-048-US : **FROM RECORD**

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

The request is **NOT APPROVED**.

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

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

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

MAILED

JUN 22 2011

| | | |
|-------------------------------|---|-----------------------------|
| In re Application of | : | |
| Donna M. Di Carlo et al. | : | OFFICE OF PETITIONS |
| Application No. 12/437,471 | : | DECISION ON PETITION |
| Filed: May 7, 2009 | : | TO WITHDRAW |
| Attorney Docket No. 08-048-US | : | 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 15, 2011.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment must be submitted with a renewed request.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 1500
50 SOUTH SIXTH STREET
MINNEAPOLIS, MN 55402-1498

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of :
Murali P. Kaudinya et al :
Application No. 12/437,479 :
Filed: May 7, 2009 :
Attorney Docket No. 190298/US/2 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 23, 2010, to revive the above-identified application.

The petition is **GRANTED**.

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). Accordingly, since the \$620 extension of time submitted with the petition on June 23, 2010 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

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


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAR 08 2011

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of
MORRIS, ROBERT P. :
Application No. 12/437,601 : **DECISION ON REQUEST**
Filed: May 8, 2008 :
For: **METHOD FOR SPECIFYING IMAGE** :
HANDLING FOR IMAGES ON A PORTABLE :
DEVICE :

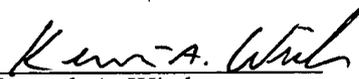
This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on January 12, 2011.

The petition is **GRANTED**.

Pursuant to applicant's request filed on January 12, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date 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 Ken Wieder whose telephone number is (571) 272-2986.


Kenneth A. 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
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Andrew Briatore et al. :
Application No. 12/437,609 : **DECISION ON PETITION**
Filed: May 8, 2009 :
Attorney Docket No. CM2736CCC :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 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 June 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed March 24, 2010. Accordingly, the date of abandonment of this application is June 25, 2010. A Notice of Abandonment was mailed on July 13, 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 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

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

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

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of : DECISION GRANTING PETITION
Cheng et al. : UNDER 37 CFR 1.78(a)(3)
Application No. 12/437,704 :
Filed: 05/08/2009 :
Attorney Docket No. PC33536 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 21, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional application set forth in the concurrently filed Application Data Sheet.

The petition is **GRANTED**.

A petition for acceptance of an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional applications pursuant to 37 CFR 1.78(a)(3) is 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 benefit claim 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.

The Office notes that the amendment, filed December 21, 2011, to add the reference to the prior-filed nonprovisional application in the first sentence of the specification following the title is not acceptable as drafted because it improperly incorporates by reference prior-filed Application No. 12/023,323. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim after the filing date of the application, the amendment would not be proper. When a benefit claim is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application.¹ *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *See* MPEP 201.06(c) and 608.04(b). Accordingly, the amendment, filed December 21, 2011, is improper. Applicants should consider filing a new amendment removing the incorporation by reference statement of prior-filed Application No. 12/023,323.

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

This application is being referred to Technology Center Art Unit 1628 for consideration by the examiner of applicant's entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed application.

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



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

¹ Applicants may retain the incorporation by reference statement of prior-filed provisional Application No. 60/887,981 because the incorporation by reference statement was present on filing Application No. 12/437,704.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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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: 12/437,704, 05/08/2009, 1628, 1090, PC33536, 8, 2

CONFIRMATION NO. 8059

CORRECTED FILING RECEIPT



25291
WYETH LLC
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

Date Mailed: 01/06/2012

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)

- Hengmiao (Henry) Cheng, San Diego, CA;
Xiao Hu, Ballwin, MO;
Kevin D. Jerome, St.Charles, MO;
Mark Obukowicz, Kirkwood, MO;
Lisa Olson, Hopkinton, MA;
Paul V. Rucker, Carlsbad, CA;
Ronald Keith Webber, St. Peters, MO;

Assignment For Published Patent Application

Pfizer, Inc., New York, NY

Power of Attorney: The patent practitioners associated with Customer Number 26648

Domestic Priority data as claimed by applicant

This application is a CON of 12/023,323 01/31/2008 PAT 7547714 which claims benefit of 60/887,981 02/02/2007

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

If Required, Foreign Filing License Granted: 05/18/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/437,704

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

TRICYCLIC COMPOUNDS, COMPOSITIONS AND METHODS

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).

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

ALSTOM Power Inc.
200 Great Pond Drive
P.O. Box 500
WINDSOR CT 06095

MAILED
JAN 04 2012
OFFICE OF PETITIONS

In re Application of :
Matteson et al. :
Application No. 12/437,939 : DECISION ON PETITION
Filed: May 8, 2009 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.137(B)
W08/014-0 :
Title: INTEGRATED MERCURY :
CONTROL SYSTEM :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 15, 2011, to revive the above-identified application.

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

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, August 9, 2011, which set a shortened statutory period for reply of three months.¹ No extensions of time are permitted for transmitting formal drawings.² Accordingly, the above-identified application became abandoned on November 10, 2011. A Notice of Abandonment was mailed on November 25, 2011.

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

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R.

¹ Office records show that both the issue and publication fees were timely received on September 22, 2011.

² See MPEP § 710.02(e) (III).

- § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
 - (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted corrected drawings along with an amendment directing the entry of the same, the proper statement of unintentional delay, and the petition fee. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.³

Pursuant to this decision, 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) 272-3225.⁴ All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.



Paul Shanowski
Senior Attorney
Office of Petitions

³ See Rule 1.137(d).

⁴ 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 EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

| | | | |
|-----------------|------------|--------------|------------|
| Application No: | 12/437,947 | Filing date: | 05/08/2009 |
|-----------------|------------|--------------|------------|

| | |
|-----------------------|---------------|
| First Named Inventor: | Scott Krueger |
|-----------------------|---------------|

Title of the Invention: REMOTE CONTROL SIGNAL LEARNING AND PROCESSING BY A HOST DEVICE AND ACCESSORY

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/US2010/030293

The international filing date of the corresponding PCT application(s) is/are: 04/07/2010

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.

Request for Participation in the PCT-PPH Program

Application No.: 12/437,947

Filing Date: 5/8/2009

Title: Remote Control Signal Learning and Processing by a Host Device and Accessory

First Named Inventor: Scott Krueger

Statement re: Box VIII Observation in the Written Opinion

Box VIII of the Written Opinion asserts that paragraphs [0008] and [0020] of the Specification (which state that “the accessory can generate and store an identifier”) are in contradiction with paragraphs [0066] and [0075] of the Specification (which state that “the host device can generate an identifier”). Because of this alleged contradiction, the Written Opinion asserts that the scope of claims 1, 6, and 17 is unclear under Article 6 of the PCT.

Although Applicants submit that this alleged contradiction in the Specification does not give rise to any basis for rejecting claims 1, 6, and 17 under U.S. law, Applicants have amended (in a Preliminary Amendment filed concurrently with this request) paragraphs [0008] and [0020] to state “the host device can generate and store an identifier.” Applicants submit that these amendments sufficiently address the concern raised in the Box VIII observation, and thus render any objection to claims 1, 6, and 17 in view of the Box VIII observation moot.

PATENT COOPERATION TREATY

A2L PA

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

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

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

| | | |
|---|--|--|
| Applicant's or agent's file reference see form PCT/ISA/220 <i>20750A-01100PC</i> | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/US2010/030293 ✓ | International filing date (day/month/year) 07.04.2010 ✓ | Priority date (day/month/year) 08.05.2009 ✓ |
| International Patent Classification (IPC) or both national classification and IPC INV. G08C19/28 G08C17/02 G08C23/04 | | |
| Applicant APPLE 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.

Docketed *3/8/10* Docketed *10/1/10*
 Transferred Noted
 Not Docketed

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

Action: *Resp to w/o*
 Due: *3/8/11*
 By: *RJR 7/14/10*
 Townsend and Townsend and Crew LLP

| | | |
|---|---|---|
| <p>Name and mailing address of the ISA:</p>  <p>European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016</p> | <p>Date of completion of this opinion</p> <p>see form PCT/ISA/210</p> | <p>Authorized Officer</p> <p>Barbelanne, Alain</p> <p>Telephone No. +31 70 340-4539</p> |
|---|---|---|



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2010/030293

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:

Box No. II Priority

1. The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2010/030293

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>1-20</u> |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | <u>1-20</u> |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | <u>1-20</u> |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

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

see separate sheet

Re Item V

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

1 Reference is made to the following document:

D1 US 2007/230910 A1 (WELCH ERIC [US] ET AL) 4 October 2007
(2007-10-04)

2 INDEPENDENT CLAIMS 1, 6, 11, 14 AND 17

2.1 Document D1 is regarded as being the prior art closest to the subject-matter of claim 1, and discloses:

a method allowing a user to remote control an iPod® or other entertainment device, the portable device being generally placed into some type of dock or other fixed unit (see D1, paragraph [0007]).

2.2 The subject-matter of claim 1 therefore **differs** from this known remote control method in that *the accessory*

transmits a representation of a first wireless signal, received from the remote control, to a host device;

receives an identifier from the host device, the identifier being associated with the representation of the first wireless signal and a function of the host device;
and

stores the identifier and the representation of the first wireless signal.

The subject-matter of **claim 1** is therefore **new** (Article 33(2) PCT).

2.3 The **problem** to be solved by the present invention may be regarded as how to facilitate the learning and processing of remote control signals by a host device (portable media device) and an accessory.

2.4 The **solution** to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: No prior art document suggests or hints at associating a representation of a message, received from the remote control, with a function of the host device. The host device also generates an identifier and associates it to the representation and the function. The accessory can then store this identifier for later use.

This solution has the additional advantage that it minimizes the amount of data transferred between the host device and the accessory.

Therefore the subject-matter of **claim 1** involves an inventive step in the sense of Article 33(3) PCT.

2.5 Claim 6 is the method corresponding to claim 1 but on the host device side.

Claims 11 and 14 define respectively the accessory and the host device.

Claim 17 is a method defining the process of entering into the learning mode and involving the whole system comprising the remote control, the accessory and the host device.

Therefore **claims 6, 11, 14 and 17** also meet the requirements of the PCT with respect to novelty and inventive step.

3 DEPENDENT CLAIMS 2-5, 7-10, 12-13, 15-16 AND 18-20

Claims 2-5, 7-10, 12-13, 15-16 and 18-20 are dependent respectively on claims 1, 6, 11, 14 and 17 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VIII

Certain observations on the international application

- 4 The subject-matter described in paragraphs [0008] and [0020], stating that "*the accessory can generate and store an identifier*" is in contradiction with the paragraphs [0066] and [0075], stating that "*the host device can generate an identifier*", as it is also defined in claims 1, 6 and 17. This inconsistency between the claims and the different parts of the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear, Article 6 PCT.

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 IPER (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

PATENT COOPERATION TREATY
PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | | |
|---|--|---|---|
| Applicant's or agent's file reference 20750P-111PC | FOR FURTHER ACTION | | see Form PCT/ISA/220 as well as, where applicable, item 5 below. |
| International application No. PCT/US2010/030293 | International filing date (day/month/year) 07/04/2010 | (Earliest) Priority Date (day/month/year) 08/05/2009 | |
| Applicant APPLE 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 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(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. 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 figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

| |
|---|
| International application No PCT/US2010/030293 |
|---|

A. CLASSIFICATION OF SUBJECT MATTER
 INV. G08C19/28 G08C17/02 G08C23/04
 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)
 G08C H04B
 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, INSPEC, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|-----------|--|-----------------------|
| A | US 2007/230910 A1 (WELCH ERIC [US] ET AL) 4 October 2007 (2007-10-04) paragraphs [0005] - [0011] paragraphs [0033] - [0042]; claim 1 ----- | 1,6,11, 14,17 |
| A | US 2007/077784 A1 (KALAYJIAN NICHOLAS [US] ET AL) 5 April 2007 (2007-04-05) paragraphs [0002] - [0009] paragraph [0009] paragraph [0053] ----- | 1,6,11, 14,17 |
| A | EP 1 942 393 A1 (HARRON SA [CH]) 9 July 2008 (2008-07-09) paragraphs [0004] - [0006] paragraphs [0012] - [0014] ----- | 1,6,11, 14,17 |

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 | *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 |
| *E* earlier document but published on or after the international filing date | *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 |
| *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) | *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. |
| *O* document referring to an oral disclosure, use, exhibition or other means | *&* document member of the same patent family |
| *P* document published prior to the international filing date but later than the priority date claimed | |

| | |
|---|--|
| Date of the actual completion of the international search 22 June 2010 | Date of mailing of the international search report 01/07/2010 |
|---|--|

| | |
|--|---|
| 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 Barbelanne, Alain |
|--|---|

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2010/030293

| Patent document cited in search report | Publication date | Patent family member(s) | Publication date |
|--|------------------|-------------------------|------------------|
| US 2007230910 | A1 | 04-10-2007 | NONE |
| US 2007077784 | A1 | 05-04-2007 | NONE |
| EP 1942393 | A1 | 09-07-2008 | NONE |

PENDING CLAIMS FROM PCT APPLICATION NO.: PCT/US2010/030293

*TITLE: REMOTE CONTROL SIGNAL LEARNING AND
PROCESSING BY A HOST DEVICE AND ACCESSORY*

Client Reference No.: P7764WO1

Our File No. 20750P-011100PC

1. A method comprising:
receiving, at an accessory, a first wireless signal from a remote control device;
transmitting, by the accessory, a representation of the first wireless signal to a host device;
receiving, at the accessory, an identifier from the host device, the identifier being associated with the representation of the first wireless signal and a function of the host device;
and
storing, by the accessory, the identifier and the representation of the first wireless signal.
2. The method of claim 1 further comprising:
receiving, at the accessory, a second wireless signal from the remote control device;
determining, based on the stored representation of the first wireless signal, if the second wireless signal is substantially similar to the first wireless signal; and
if the second wireless signal is substantially similar to the first wireless signal, transmitting the identifier to the host device.
3. The method of claim 1 wherein the first wireless signal is an infrared (IR) signal, and wherein the representation comprises: time samples that encode a waveform of the IR signal, a sequence of edge times that encode a waveform of the IR signal, or an IR protocol type and associated protocol command string of the IR signal.
4. The method of claim 1 wherein the remote control device is designed to control a device other than the accessory and the host device.
5. The method of claim 1 wherein the host device is a portable media device and wherein the accessory is a portable media device dock.

6. A method comprising:
receiving, at a host device, a representation of a wireless signal from an accessory,
the wireless signal having been transmitted to the accessory from a remote control device;
associating the representation of the wireless signal with a function of the host
device;
generating, by the host device, an identifier associated with the representation and
the function; and
transmitting, by the host device, the identifier to the accessory.

7. The method of claim 6 further comprising storing the identifier and the
function.

8. The method of claim 6 further comprising:
receiving, at the host device, the identifier from the accessory; and
executing the function in response to receiving the identifier.

9. The method of claim 8 further comprising transmitting, by the host device,
an acknowledgement to the accessory indicating that the function has been executed.

10. The method of claim 8 wherein the wireless signal was transmitted from
the remote control device to the accessory in response to an activation of a button on the remote
control device by a user, and wherein the function was previously selected by the user for
association with the button.

11. An accessory comprising:
a wireless receiver configured to receive wireless signals;
an interface configured to communicate with a host device; and
a control component configured to:
transmit, to the host device, a characteristic of a wireless signal received
by the wireless receiver;
receive, from the host device, an identifier associated with the
characteristic and a function of the host device; and

transmit the identifier to the host device when a subsequent wireless signal is received having the characteristic.

12. The accessory of claim 11 wherein the steps of transmitting the characteristic of the wireless signal and receiving the identifier are performed by the control component while the control component is operating in a first mode, and wherein the step of transmitting the identifier is performed by the control component while the control component is operating in a second mode distinct from the first mode.

13. The accessory of claim 12 wherein the control component is instructed to enter the first and second modes respectively by the host device.

14. A host device comprising:

an interface configured to communicate with an accessory; and
a processor configured to:

transmit, to the accessory, an identifier associated with a characteristic of a wireless signal and a function of the host device;

subsequently to transmitting the identifier, receive the identifier from the accessory; and

execute the function in response to receiving the identifier.

15. The host device of claim 14 wherein the step of transmitting the identifier is performed by the processor while the processor is operating in a first mode, and wherein the steps of receiving the identifier and executing the function are performed by the processor while the processor is operating in a second mode distinct from the first mode.

16. The host device of claim 15 wherein the processor is configured to enter the first and second modes respectively based on user input.

17. A method comprising:

entering, by a host device, a first mode of operation;

transmitting, by the host device, a command to an accessory instructing the accessory to enter the first mode of operation; and

while in the first mode of operation:

prompting, by the host device, a user to select a function of the host device from a list of selectable functions;

receiving, by the host device, a selection of a function from the user;

prompting, by the host device, the user to activate a button on a remote control device to be associated with the selected function;

receiving, by the host device, a representation of a wireless signal from the accessory, wherein the wireless signal was transmitted from the remote control device to the accessory in response to activation of the button;

generating, by the host device, an identifier associated with the representation and the selected function; and

transmitting, by the host device, the identifier to the accessory.

18. The method of claim 17 further comprising:

entering, by the host device, a second mode of operation distinct from the first mode of operation;

transmitting, by the host device, a command to the accessory instructing the accessory to enter the second mode of operation; and

while in the second mode of operation:

receiving, by the host device, the identifier from the accessory; and

executing, by the host device, the selected function in response to receiving the identifier.

19. The method of claim 17 wherein the list of selectable functions is static.

20. The method of claim 17 wherein the list of selectable functions varies based on an application context of the host device at a time the first mode of operation is entered.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 12/437,947 | 05/08/2009 | Scott Krueger | 20750P-011100US | 8551 |

65656 7590 03/22/2011
KILPATRICK TOWNSEND & STOCKTON LLP/Apple
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

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| EXAMINER |
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ZIMMERMAN, BRIAN A

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2612

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| MAIL DATE | DELIVERY MODE |
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03/22/2011

PAPER

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

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



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KILPATRICK TOWNSEND & STOCKTON LLP/Apple
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of :
KRUEGER, SCOTT : DECISION ON REQUEST TO
Application No. 12/437,947 : PARTICIPATE IN PATENT
Filed: May 8, 2009 : PROSECUTION HIGHWAY
Attorney Docket No. 20750P-011100US : 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 February 10, 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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|--|---|---------------------|-----------------------------|
| In re Application of: Siva Ariyapadi, <i>et al.</i> | § | Group Art Unit: | 1723 |
| | § | | |
| Serial No.: 12/437,999 | § | Examiner: | Neckel, Alexa Doroshenk. |
| | § | | |
| Filed: May 08, 2009 | § | Confirmation No.: | 8645 |
| | § | | |
| For: Systems And Methods For Producing Substitute Natural Gas | § | Attorney Docket No: | 08-15 |
| | § | | |
| Customer No.: 32583 | § | Date: | October 1, 2010 |

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

SUPPLEMENT TO PETITION TO MAKE SPECIAL
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM – 37. CFR 1.107

This reply is submitted prior to receipt of a first office action and in conjunction with a Petition To Make Special Under The Green Technology Pilot Program. Applicant respectfully requests reconsideration of the application in light of the following amendments and remarks.

Amendments to the Drawings: None.
Amendments to the Specification: None.
Amendments to the Claims: None.
Remarks: begin on page 2 of this paper.

REMARKS

In order to establish that the present application is eligible to be made special under the Green Technology Pilot Program, Applicant's representative puts forth the following statements:

- (i) While US 12/437,999 has already published as of 21 January 2010, Applicant will still pay the publication fee set forth in 37 CFR 1.18(d). However, a request for early publication is not warranted and will not be filed;
- (ii) Applicant agrees to make an election without traverse in a telephone 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;
- (iii) This petition to make special is warranted because the present application materially contributes to at least one, if not both, of the following – (a) the development of renewable energy sources; (b) the more efficient utilization and conservation of energy sources.

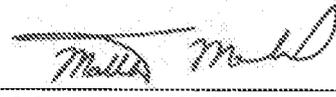
For evidence of this, Applicant refers Examiner to Paragraphs [0003] to [0005] of the present application to better understand the primary motivation behind this application. At the very least, the present application is centered around the production of substitute natural gas from coal in an effort to reduce the amount of power and water consumed in the process.

In conclusion, Applicant believes the present application is now in a condition to be made special under the Green Technology Pilot Program and requests that the present application be granted said status. Applicant invites the Examiner or Green Tech. Representative to telephone the undersigned Agent if there are any issues outstanding which have not been addressed satisfactorily. If any fees are due, the Director is hereby

authorized to charge any fees associated with this Petition To Make Special to Deposit Account Number 11-0400 in the name of Kellogg Brown & Root LLC.

Respectfully submitted,

12/10/12
Date


Matthew Maliet
Agent for Applicant
Registration No. 58,116

Please mail correspondence to the address associated with customer number 32583.

Christian Heausler
IP Legal Department
Kellogg Brown & Root LLC
4100 Clinton Drive
Houston, Texas 77020

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

| | | |
|-------------------------------|---|---------------------------|
| Attorney Docket Number: 08-15 | Application Number (if known): 12/437,999 | Filing date: May 08, 2009 |
|-------------------------------|---|---------------------------|

First Named Inventor: Siva Ariypadi

Title: Systems And Methods For Producing Substitute Natural Gas

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: (i) Supplement To Petition To Make Special and (ii) Preliminary Amendment

| | |
|----------------------------|------------------------|
| Signature /Matthew Maliel/ | Date December 13, 2010 |
|----------------------------|------------------------|

| | |
|-----------------------------------|---------------------------|
| Name (Print/Typed) Matthew Maliel | Registration Number 58116 |
|-----------------------------------|---------------------------|

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.

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**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

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

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|-------------------------|------------------|
| 12/437,999 | 05/08/2009 | Siva Ariyapadi | 08-15 | 8645 |
| 32583 | 7590 | 01/12/2011 | EXAMINER | |
| KELLOGG BROWN & ROOT LLC | | | NECKEL, ALEXA DOROSHENK | |
| ATTN: Christian Heausler | | | ART UNIT | PAPER NUMBER |
| 601 Jefferson Street | | | 1723 | |
| KT37 | | | NOTIFICATION DATE | DELIVERY MODE |
| HOUSTON, TX 77002 | | | 01/12/2011 | 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):

IPLegal@kbr.com
valerie.driver@kbr.com
patsi.davis@kbr.com



KELLOGG BROWN & ROOT LLC
ATTN: Christian Heausler
601 Jefferson Street
KT37
HOUSTON TX 77002

JAN 12 2011

| | | |
|----------------------------|---|-----------------------|
| In re Application of | : | |
| Ariyapadi et al. | : | DECISION ON PETITION |
| Application No. 12/437,999 | : | TO MAKE SPECIAL UNDER |
| Filed: 5/8/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. 08-15 | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed 12/13/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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 1723 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700



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HOWSON & HOWSON LLP
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON PA 19034

MAILED

DEC 22 2010

PCT LEGAL ADMINISTRATION

In re Application of: SHIMIZU, Yoshiki, et al. :
U.S. Application No.: 12/438,164 :
PCT No.: PCT/JP2007/064411 :
International Filing Date: 23 July 2007 :
Priority Date: 22 August 2006 :
Attorney Docket No.: OGOSH106USA :
For: METHOD OF FABRICATING THIN :
FILM BY MICROPLASMA :
PROCESSING AND APPARATUS :
FOR SAME :

**DECISION ON PETITION
(37 CFR 1.47(a))**

This decision is issued in response to applicants' "Petition By Joint Inventors Filing On Behalf Of Other Joint Inventor Who Cannot Be Found Or Reached (37 CFR § 1.47(a))" filed 26 May 2010. Applicants have paid the required petition fee.

BACKGROUND

On 23 July 2007, applicants filed international application PCT/JP2007/064411. The international application claimed a priority date of 22 August 2006, and it designated the United States. On 28 February 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 22 February 2009.

On 20 February 2009, applicants' filed materials to initiate the present national stage application including, among other materials, payment of the basic national fee and an English translation of the international application.

On 31 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 26 May 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required fees and surcharge, an executed declaration, and the petition under 37 CFR 1.47(a)" considered herein. The petition requests acceptance of the declaration without the signature of co-inventor Davide MARIOTTI, whom applicants assert cannot be located.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition contains an express statement of the last known address of the non-signing inventor. Item (2) is therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by five of the six inventors of record; however, the declaration does not include an unsigned signature block for the non-signing inventor, Davide MARIOTTI. The declaration therefore may not be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Accordingly, item (3) is not satisfied on the present record.

Regarding item (4), MPEP section 409.03(d) sets forth the requirements for a showing that a non-signing inventor cannot be located after diligent effort:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. [...]

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The statement of Yoshiki Shimizu provided here indicates that the non-signing inventor is no longer the employee of the assignee, and that an unsuccessful attempt has been made to contact the inventor via email. However, an unsuccessful attempt to reach an inventor by email at an outdated email address, on its own, is not sufficient to demonstrate a diligent effort to locate the inventor. A firsthand statement, with supporting documents, setting forth in detail the efforts made to obtain current contact information for the non-signing inventor and contact him at such current address, including, but not limited to, an internet search (with the results of such

search being made of record herein) is required before it can be concluded that the non-signing inventor cannot be located after diligent effort.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (3) and (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 02 2011

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

HOWSON & HOWSON LLP
501 OFFICE CENTER DRIVE
SUITE 210
FORT WASHINGTON PA 19034

PCT LEGAL ADMINISTRATION

In re Application of:
SHIMIZU, Yoshiki, et al.
U.S. Application No.: 12/438,164
PCT No.: PCT/JP2007/064411
International Filing Date: 23 July 2007
Priority Date: 22 August 2006
Attorney's Docket No.: OGOSH106USA
For: METHOD OF FABRICATING THIN
FILM BY MICROPLASMA
PROCESSING AND APPARATUS
FOR SAME
DECISION ON RENEWED
PETITION UNDER
37 CFR 1.47(a)

In a decision mailed by this Office on 22 December 2010, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of non-signing co-inventor Davide MARIOTTI was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 22 February 2011, applicants filed the renewed petition under 37 CFR 1.47(a) considered herein.

Applicant's renewed petition was accompanied by a declaration executed by the previously non-signing inventor Davide MARIOTTI. Because the previously non-signing inventor has been located and is not refusing to execute the application, the petition under 37 CFR 1.47(a) requesting acceptance of the declaration without the signature of Davide MARIOTTI is DISMISSED AS MOOT.

However, the declarations filed herein are not acceptable under 37 CFR 1.497. Specifically, the declaration executed by Davide MARIOTTI and the previously-filed declaration executed by five of the six inventors of record (resubmitted with the renewed petition) do not properly identify each inventor and their country of citizenship, as required under 37 CFR 1.497(a)(3). While both declarations begin with a sentence that lists the names of all six inventors, this sentence does not identify the listed persons as inventors for the present application. Rather, the following sentence in the declaration expressly states (emphasis added): "I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below)" for the present application. Thus, pursuant to the express language of the filed declarations, the only inventors acknowledged by the signing parties are those "listed below" the above quoted sentence, and

neither of the declarations filed here list all six inventors of record (and their citizenship) below the quoted sentence.¹

The submission of the fully executed but non-compliant declarations is considered a defective response to the previous decision.

Applicants are required to submit acceptable declarations in compliance with 37 CFR 1.497 executed by all of the inventors of record within **ONE (1) MONTH** from the mail date of this decision.

Extensions of the one-month time limit above may **not** be granted under 37 CFR 1.136(a); however, the period for response set forth in the previous decision mailed 22 December 2010 may be extended under 37 CFR 1.136(a).

Failure to file a proper and timely response will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

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

¹ The declaration executed by Davide MARIOTTI lists only Mr. MARIOTTI as an inventor, and the declaration executed by the other five inventors fails to include Mr. MARIOTTI.



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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
Hiroyasu Kitamura, et al. :
Application No. 12/438,193 : DECISION GRANTING PETITION
Filed: February 20, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P36150 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 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 December 10, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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



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UNITED STATES 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. |
|---|--------------------|--------------------------|---------------------------------|-----------------------------|
| 12/438,244 | 06/29/2009 | Stephen Norman Batchelor | C4525(CX) | 4091 |
| 201 UNILEVER PATENT GROUP 800 SYLVAN AVENUE AG West S. Wing ENGLEWOOD CLIFFS, NJ 07632-3100 | 7590 08/26/2011 | | EXAMINER GEISEL, KARA E | |
| | | | ART UNIT 2877 | PAPER NUMBER |
| | | | NOTIFICATION DATE 08/26/2011 | DELIVERY MODE 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):

patentgroupus@unilever.com



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

**UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG West S. Wing
ENGLEWOOD CLIFFS NJ 07632-3100**

AUG 26 2011

**In re Application of
BATCHELOR et al.
Application No.: 12/438244
Filed: 29 June 2009
Attorney Docket No.: C4525(CX)
For: FABRIC WHITENESS GUIDE**

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

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

Inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

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

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
JAN 24 2012

In re Application of :
Werner Ruile et al :
Application No. 12/438,251 : DECISION GRANTING PETITION
Filed: February 20, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 14219-0221US1 :
P2006,0835U :

OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 19, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 9, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2855 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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



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United States Patent and Trademark Office
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www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/438,290 filed 04/17/2009 by Yoshiaki Ofuji, attorney docket no. 17401/137001, confirmation no. 4393. Also includes examiner Qureshi, Afsar M, art unit 2472, notification date 01/11/2011, and delivery mode ELECTRONIC.

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

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

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

- docketing@oshaliang.com
buta@oshaliang.com
hathaway@oshaliang.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: OFUJI et al.
Application No. 12/438,290
Filed: April 17, 2009
For: BASE STATION AND MOBILE STATION

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

MAILED

JAN 10 2011

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

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 30, 2010, to make the above-identified application special.

The petition is **GRANTED**.

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

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

Application SN 12/438,290
Decision on Petition

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

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126

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

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

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400



29737
SMITH MOORE LEATHERWOOD LLP
P.O. Box 21927
Greensboro, NC 27420

MAILED

NOV 07 2010

PCT LEGAL ADMINISTRATION

In re Application of :
KUPPINGER *et al* :
U.S. Application No.: 12/438,295 :
PCT No.: PCT/EP2007/058744 :
Int. Filing Date: 22 August 2007 :
Priority Date: 22 August 2006 :
Docket No.: 5003073.143US1 :
For: PROCESS FOR PREPARING :
ACRYLIC ACID PURIFIED BY :
CRYSTALLIZATION FROM :
HYDROXYPROPIONIC ACID AND :
APPARATUS THEREFORE :

**DECISION ON
PETITION
UNDER 37 CFR 1.497(d)**

This is a decision on the petition under 37 CFR 1.497(d) filed 12 November 2009.

BACKGROUND

On 07 October 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed stating that an oath or declaration in compliance with 37 CFR 1.497(a) & (b) and a \$130.00 surcharge fee was required. Applicants were given two months to respond.

On 12 November 2009, applicants filed a response which was accompanied by, *inter alia*, the subject petition to add three inventors; a statement from the three inventors being added; a \$130.00 processing fee; a \$130.00 surcharge fee; and an executed declaration listing six inventors.

DISCUSSION

Applicants request to add Günther BUB, Jürgen MOSLER and Andreas SABBAGH as inventors in the above-captioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application. 37 CFR 1.497(d) states, in part:

- (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this

section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Applicants provided a statement from each of the three inventors being added stating that the error in inventorship occurred without deceptive intent. The \$130.00 processing fee was paid. Items (1) and (2) of 37 CFR 1.497(d) are satisfied.

However, applicants have not provided the written consent of the assignee. An assignment to Evonik Stockhausen GMBH was recorded in the above-captioned application on 13 November 2009 (after the subject petition was filed).

Assignees are not limited to those who are recorded in the USPTO Office records. See MPEP §§ 1893.01(e); 201.03(II)(D).

Stockhausen GMBH was listed as an applicant for all designated States other than the U.S in PCT/EP2007/058744. This evidence alone is sufficient to indicate the existence of an assignee. Applicants must provide the written consent of the assignee to add the three inventors. Item (3) of 37 CFR 1.497(d) is not satisfied.

All the requirements of 37 CFR 1.497(d) are not complete.

CONCLUSION

Applicants' request to add three inventors pursuant to 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia

12/438,295

3

22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson .

Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302



29737
SMITH MOORE LEATHERWOOD LLP
P.O. Box 21927
Greensboro, NC 27420

MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KUPPINGER *et al* :
U.S. Application No.: 12/438,295 :
PCT No.: PCT/EP2007/058744 :
Int. Filing Date: 22 August 2007 :
Priority Date: 22 August 2006 :
Docket No.: 5003073.143US1 :
For: PROCESS FOR PREPARING :
ACRYLIC ACID PURIFIED BY :
CRYSTALLIZATION FROM :
HYDROXYPROPIONIC ACID AND :
APPARATUS THEREFORE :

**DECISION ON
RENEWED PETITION
UNDER 37 CFR 1.497(d)**

This is a decision on the renewed petition under 37 CFR 1.497(d) filed 16 November 2010.

BACKGROUND

On 01 November 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 16 November 2010, applicants filed the subject response which was accompanied by, *inter alia*, a written consent of the assignee.

DISCUSSION

Applicants request to add Günther BUB, Jürgen MOSLER and Andreas SABBAGH as inventors in the above-captioned national stage application.

Applicants failed to satisfy item (3) of 37 CFR 1.497(d) in the initial petition filed 12 November 2009.

In the renewed request, applicants submitted a written consent of the assignee, Evonik Stockhausen GMBH. The consent was signed by Stefanie Bockelkamp and Magreth Dalhaus as the "Authorized Manager" of the assignee. The position of manager in a foreign company is presumed to have authority to sign for an organization. See MPEP § 324(V). The reel and frame number of the assignment was

also provided. As previously noted, an assignment to Evonik Stockhausen GMBH was recorded in the above-captioned application on 13 November 2009.

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicant's renewed request to add Günther BUB, Jürgen MOSLER and Andreas SABBAGH as inventors pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 12 November 2009 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 22 August 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 12 November 2009.

This application is being forwarded to the DO/EO/US for further processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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: | 12/438,309 | Filing date: | 2009-02-20 |
|-----------------|------------|--------------|------------|

| | |
|-----------------------|------------------|
| First Named Inventor: | Christian Herzig |
|-----------------------|------------------|

| | |
|-------------------------|-------------------------------|
| Title of the Invention: | Method For Waterproofing Wood |
|-------------------------|-------------------------------|

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/EP2007/058142

The international filing date of the corresponding PCT application(s) is/are: August 6, 2007

I. List of Required Documents:

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

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

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

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

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

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.: 12438309

First Named Inventor: Christian Herzig

- 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 2/20/2009

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

 Are attached. Have already been filed in the above-identified U.S. application on 2/20/2009**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|--------------------------|--|---|
| 13 | 1 | Rewritten in U.S. format and to eliminate "preferable" ranges |
| 14 | 1 | Dependent on 13, to reinstate preferable range deleted from U.S. claim 13 |
| 15 | 1 | Dependent on 13, to reinstate preferable range deleted from U.S. claim 13 |
| 16 | 2 | Rewritten in U.S. format |
| 17 | 3 | Rewritten in U.S. format and to eliminate "preferable" ranges |
| 18 | 3 | Dependent on 13, to reinstate preferable range deleted from U.S. claim 13 |
| 19 | 4 | Rewritten in U.S. format and to eliminate "preferable" ranges |
| 20 | 5 | Rewritten in U.S. format and to eliminate "preferable" ranges |
| 21 | 6 | Rewritten in U.S. format and to eliminate "preferable" ranges |
| 22 | 7 | Rewritten in U.S. format and to eliminate "preferable" ranges |
| 23 | 8 | Rewritten in U.S. format |
| 24 | 9 | Rewritten in U.S. format |
| 25 | 10 | Rewritten in U.S. format and to eliminate multiple dependencies |
| 26 | 11 | Rewritten in U.S. format and to eliminate multiple dependencies |
| 27 | 12 | Rewritten in U.S. format and to eliminate multiple dependencies |
| | | |
| | | |
| | | |
| | | |

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

| | |
|--------------------------------------|---------------------------|
| Signature /William G. Conger/ | Date March 9, 2011 |
| Name (Print/Typed) William G. Conger | Registration Number 31209 |

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/438,309 | 02/20/2009 | Christian Herzig | WAS1003PUSA | 4547 |
| 22045 | 7590 | 05/02/2011 | EXAMINER | |
| BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075 | | | LEONG, NATHAN T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1715 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 05/02/2011 | PAPER |

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

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



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

May 2, 2011

| | | |
|-------------------------------|---|--------------------------|
| In re application of | : | DECISION ON REQUEST TO |
| Christian Herzig | : | PARTICIPATE IN PATENT |
| Serial No. 12/438,309 | : | PROSECUTION HIGHWAY |
| Filed: February 20, 2009 | : | PROGRAM AND |
| For: METHOD FOR WATERPROOFING | : | PETITION TO MAKE SPECIAL |
| WOOD | : | 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 March 9, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, 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

Application No. 12/438,309

applicability along with an English translation thereof if the latest international work product is not in the English language; and

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

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700



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. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 12/438,337 | 02/20/2009 | Hidekazu Arita | 1163-0696PUS1 | 4757 |
| 2292 | 7590 | 09/14/2011 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH | | | SHAH, AMEE A | |
| PO BOX 747 | | | ART UNIT | PAPER NUMBER |
| FALLS CHURCH, VA 22040-0747 | | | 3625 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 09/14/2011 | ELECTRONIC |

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

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

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

mailroom@bskb.com



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Alexandria, VA 22313-1450
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SEP 13 2011

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

In re application of: : **DECISION ON REQUEST TO**
ARITA, Hidekazu : **PARTICIPATE IN PATENT**
Application No.: 12/438,337 : **PROSECUTION HIGHWAY**
Filed: February 20, 2009 : **PROGRAM AND PETITION**
For: NAVIGATION SYSTEM AND OPERATION: **TO MAKE SPECIAL UNDER**
GUIDANCE DISPLAY METHOD FOR USE IN : **37 C.F.R. 1.102(d)**
THIS NAVIGATION SYSTEM :

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. § 1.102(d), filed May 4, 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 and the corresponding JPO application must have the same priority/filing date and must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application as originally filed or amended must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition filed May 4, 2011 and supporting submissions, 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.

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.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW 9/12/11



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

JAMES YU
307 BALTIMORE AVE
APT B
MONTEREY PARK CA 91754

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of Yu :
Application No. 12/438,361 : DECISION
Filed/Deposited: 22 February, 2009 :
Attorney Docket No. (None) :

This is a decision on the papers filed on 5 October, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

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

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 7 October, 2010, with reply due absent extension of time on or before 7 January, 2011.

Petitioner filed papers on 24 December, 2010, but the amendment was not entered, and a Notice of Non-Compliant Amendment was mailed on 10 January, 2011.

Petitioner filed papers on 16 January, 2011, but failed to submit a fee and request for extension of time to make timely the submission.

Thus, the application went abandoned by operation of law after midnight 7 January, 2011.

The Office mailed the Notice of Abandonment on 9 August, 2011.

On 5 October, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 to withdraw the holding of abandonment, and therein averred timely reply on 24 December, 2010, and 16 January, 2011, to the non-final Office action. However, as is clear from the history outlined above, Petitioner's statement of the facts in the petition was selective and failed include all of the applicable history. Thus, it did not appear that Petitioner satisfied or could satisfy the showing required under the Rule.

Petitioner is cautioned that a failure to timely file a petition pursuant to 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay (petition, fee, reply, statement of unintentional delay and, where required, terminal disclaimer and fee—*see*: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to 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 Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.¹

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)

¹ See: MPEP §711.03(c) (I)(B).

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

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

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

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §1.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

Application No. 12/438,361

means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

As discussed above, 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)

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.

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

Application No. 12/438,361

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

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

⁶ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAMES YU
307 BALTIMORE AVE
APT B
MONTEREY PARK CA 91754

MAILED

FEB 23 2012

OFFICE OF PETITIONS

In re Application of :
Yu :
Application No. 12/438,361 : DECISION
Filed/Deposited: 22 February, 2009 :
Attorney Docket No. (None) :

This is a decision on the papers filed on 12 February, 2012, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

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

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 7 October, 2010, with reply due absent extension of time on or before 7 January, 2011.

Petitioner filed papers on 24 December, 2010, but the amendment was not entered, and a Notice of Non-Compliant Amendment was mailed on 10 January, 2011.

Petitioner filed papers on 16 January, 2011, but failed to submit a fee and request for extension of time to make timely the submission.

Thus, the application went abandoned by operation of law after midnight 7 January, 2011.

The Office mailed the Notice of Abandonment on 9 August, 2011.

On 5 October, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 to withdraw the holding of abandonment, and therein averred timely reply on 24 December, 2010, and 16 January, 2011, to the non-final Office action. However, as is clear from the history outlined above, Petitioner's statement of the facts in the petition was selective and failed include all of the applicable history. Thus, it did not appear that Petitioner satisfied or could satisfy the showing required under the Rule. The petition was dismissed on 19 December, 2011.

On 12 February, 2012, Petitioner re-advanced the petition with the following statement:

In the USPTO notice dated in (sic) 1/10/2011, it stated that I had one month to supply the correction (my amendment was a nonfinal amendment). From the context of the notice, it is understood that no extensions of time was (sic) required if I supplied the correction, which I did on 1/16/2011 (in just a few days), within the one month time frame. Also in this notice, there is no instruction referring (sic) a fee (or law or regulation pertaining a (sic) fee) associated with a timely reply within the one month time frame.

As is clear from the 10 January, 2011, Notice—a copy of which has been printed out and is being sent to Petitioner and which Petitioner can see online if he has properly correlated his Customer Number with the application number—Petitioner once again was selective with his presentation of the facts. Petitioner's response was incomplete—*inter alia*, the two- (2-) page reply was not corrected and submitted.

Petitioner is cautioned that a failure to timely file a petition pursuant to 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay (petition, fee, reply,

statement of unintentional delay and, where required, terminal disclaimer and fee—*see*:
http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c).

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to 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 Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.¹

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)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

¹ See: MPEP §711.03(c) (I)(B).

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are

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.⁵

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

As discussed above, Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

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.)

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

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)

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. 12/438,361

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. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



26694
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P.O. Box 34385
Washington, DC 20043-9998

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OCT 22 2010

PCT LEGAL ADMINISTRATION

In re Application of :
NILSSON *et al* :
U.S. Application No.: 12/438,375 :
PCT No.: PCT/US2007/018596 :
Int. Filing Date: 23 August 2007 :
Priority Date: 23 August 2006 :
Docket No.: 43315-268185 :
For: VACUUM BASED DIVERTER SWITCH :
FOR TAP CHANGER :

DECISION

This is a decision on the response filed 24 August 2010.

BACKGROUND

On 16 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond.

On 16 August 2010, applicants filed an executed declaration.

On 19 August 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) stating that the declaration submitted 16 August 2010 was not in compliance with 37 CFR 1.497(a) and (b) as the last name of an inventor did not correspond to the spelling on the international publication. Applicants were given one month to respond, or any time remaining in the Form PCT/DO/EO/905.

On 24 August 2010, applicants filed the subject response.

DISCUSSION

In the subject response, applicants' state that the "difference in the name of inventor "Lars Jonsson" from "Lars Johnsson" as listed on the publication from WIPO is the result of a typographical error in the spelling of the last name on the PCT Request."

Section 1893.01(e) of the Manual of Patent Examining Procedure states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error.

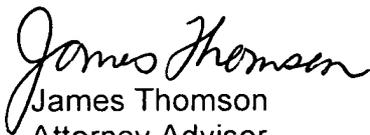
Applicants' explanation meets the requirements of the MPEP. A typographical error was made in the international application with regards to the last name of the inventor, Lars JONSSON.

CONCLUSION

The declaration filed 16 August 2010 is deemed to be in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 August 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 August 2010.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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ARLINGTON, VA 22203

MAILED
JUL 25 2011
OFFICE OF PETITIONS

In re Application of :
Hidehito Kitakado :
Application No.: 12/438,394 : **ON PETITION**
Filed: February 23, 2009 :
Attorney Docket No.: 4578-37 :

This is a decision on the petition, filed July 22, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 27, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

The application is being referred to Technology Center AU 2826 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



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P.O. BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JAN 23 2012

OFFICE OF PETITIONS

In re Application of :
Isto Heiskanen et al :
Application No. 12/438,492 : DECISION GRANTING PETITION
Filed: July 29, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0696-0283PUS1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 20, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 23, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

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

This matter is being referred to Technology Center AU 1715 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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NEW YORK, NY 10112-4498

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APR 21 2011

PCT LEGAL ADMINISTRATION

| | | |
|--|---|----------|
| In re Application of AMRALY et al | : | |
| U.S. Application No.: 12/438,528 | : | |
| PCT Application No.: PCT/US2007/076754 | : | DECISION |
| Int. Filing Date: 24 August 2007 | : | |
| Priority Date Claimed: 24 August 2006 | : | |
| Attorney Docket No.: 078021.0121 | : | |
| For: HIGH TORQUE AERIAL LIFT (HTAL) | : | |

This is in response to applicant's petition under 37 CFR 1.47(a) filed 22 February 2011.

BACKGROUND

On 24 August 2007, applicant filed international application PCT/US2007/076754, which claimed priority of an earlier United States application filed 24 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 February 2009.

On 23 February 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 July 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 February 2011, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

* * *

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.

Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition fails to state whether joint inventor Stefan Amraly cannot be found or refuses to sign. In the event that petitioner asserts that Amraly cannot be reached, sufficient evidence of a diligent effort to locate Amraly has not been presented. For example, petitioner has not provided documentary evidence of attempts to be reached by telephone, by electronic mail, by searching directories, by contacting Amraly's current/former employer, and by contacting the other inventors. In the event that petitioner asserts that Amraly refuses to sign, it has not been demonstrated that a bona fide attempt was made to present a complete copy of the application papers (including specification, claims, drawings, and oath/declaration) to Amraly for signature and that Amraly received such papers. In particular, the petition states that only declaration and power of attorney documents were sent to Amraly. Furthermore, there is no evidence that Amraly received the correspondence sent to him.

With regard to item (3) above, the deficiency in the requisite \$200.00 petition fee will be charged to Deposit Account No. 02-4377 as authorized in the petition.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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AUG 10 2011

PCT LEGAL ADMINISTRATION

In re Application of AMRALY et al :
U.S. Application No.: 12/438,528 :
PCT Application No.: PCT/US2007/076754 : **DECISION**
Int. Filing Date: 24 August 2007 :
Priority Date Claimed: 24 August 2006 :
Attorney Docket No.: 078021.0121 :
For: HIGH TORQUE AERIAL LIFT (HTAL) :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 16 June 2011.

BACKGROUND

On 24 August 2007, applicant filed international application PCT/US2007/076754, which claimed priority of an earlier United States application filed 24 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 February 2009.

On 23 February 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 July 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 February 2011, applicant filed a petition under 37 CFR 1.47(a).

On 21 April 2011, this Office mailed a decision dismissing the 22 February 2011 petition.

On 16 June 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Stefan Amraly refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Amraly for signature and that Amraly received such papers (see affidavit of Paul Ragusa, ¶¶11-12, and Appendix C). Furthermore, the petition sufficiently

illustrates that Amraly refuses to sign. In particular, Amraly's failure to return an executed declaration in response to the correspondence delivered to him constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Amraly refuses to join in the application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 24 August 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 February 2011.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office , (DO/EO/US) for further processing in accordance with this decision.



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New York, NY 10023

MAILED

AUG 10 2011

PCT LEGAL ADMINISTRATION

In re Application of AMRALY et al
U.S. Application No.: 12/438,528
PCT Application No.: PCT/US2007/076754
Int. Filing Date: 24 August 2007
Priority Date Claimed: 24 August 2006
For: HIGH TORQUE AERIAL LIFT (HTAL)

Dear Stefan Amraly:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
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Attorney Docket No.: 078021.0121



26 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

In re Application of: KIM, Pyong-Taek :
U.S. Application No.: 12/438,544 :
PCT No.: PCT/KR2007/003977 :
International Filing Date: 21 August 2007 :
Priority Date: 21 August 2006 :
Attorney Docket No.: SWO-0116-SE :
For: ON-LINE ADVERTISEMENT :
OUTPUT CONTROLLING SYSTEM :
AND METHOD OF THE SAME :

DECISION
(37 CFR 1.497(d))

This decision is issued in response to the materials filed on 17 August 2010 in response to the Notification Of Missing requirements mailed 17 June 2010, treated in part herein as a request to correct inventorship under 37 CFR 1.497(d). Deposit Account No. 11-0853 will be charged the required \$130 processing fee.

BACKGROUND

On 21 August 2007, applicant filed international application PCT/KR2007/003977. The application claimed a priority date of 21 August 2006, and it designated the United States. On 28 February 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 February 2009 (21 February 2009 was a Saturday). The published international application identified one applicant/inventor for the United States: Pyong-Taek KIM.

On 23 February 2009, a Transmittal Letter for entry into the national stage in the United States was filed accompanied by, among other materials, payment of the basic national fee.

On 17 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 17 August 2010, a response to the Notification Of Missing Requirements was filed. The response included payment of the required surcharge, a declaration that names and is executed by two inventors who are not of record, and accompanying statements from the inventor of record and the two inventors listed on the declaration. These materials are

considered herein as a request under 37 CFR 1.497(d) to correct the inventorship of record and thereby permit acceptance of the declaration filed on 17 August 2010.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicant has filed a declaration that names an inventive entity different than that set forth in the international application. Specifically, Pyong-Taek KIM has been removed as an inventor, and Ji-hyuk CHA and Ki-won NAM have been added as additional inventors. Accordingly, applicant must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicant's present submission includes the required statements of non-deceptive intent from the person being removed from the application and the two persons being added as additional inventors, and applicant has authorized a charge to Deposit Account No. 11-0853 for required fees pursuant to which the Deposit Account will be charged the required \$130 processing fee. Requirements (A) and (B) are therefore satisfied. However, applicants have not submitted the written consent of the assignee to the requested change in inventorship or a statement confirming that no such assignee exists.¹ Requirement (C) is therefore not satisfied.

Based on the above, applicant has failed to submit all the requirements of a grantable request to correct inventorship under 37 CFR 1.497(d). Accordingly, the present submission is not sufficient to remove Pyong-Taek KIM as inventor of record, or to add Ji-hyuk CHA and Ki-won NAM as additional inventors of record.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

¹ It is noted that the international application included a corporate applicant for all states other than the United States, implying the existence of an assignee. It is also noted that the consent of the assignee, if such assignee exists, must be submitted in compliance with 37 CFR 3.73(b).

Deposit Account No 11-0853 will be charged the required \$130 processing fee.

The sole inventor of record remains that set forth in the international application, Pyong-Taek KIM.

The declaration filed 17 August 2010, which was not executed by the inventor of record is defective on the present record for failure to properly identify the inventors of record.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request, as discussed above and in the MPEP, that is, the written consent of the assignee to the proposed change of inventorship (in the form required by 37 CFR 3.73(b)) or a statement confirming that no such assignee exists.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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PCT LEGAL ADMINISTRATION

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| | | |
|---|---|---------------------|
| In re Application of: KIM, Pyong-Taek | : | |
| U.S. Application No.: 12/438,544 | : | DECISION ON RENEWED |
| PCT No.: PCT/KR2007/003977 | : | PETITION |
| International Filing Date: 21 August 2007 | : | (37 CFR 1.497(d)) |
| Priority Date: 21 August 2006 | : | |
| Attorney Docket No.: SWO-0116-SE | : | |
| For: ON-LINE ADVERTISEMENT | : | |
| OUTPUT CONTROLLING SYSTEM | : | |
| AND METHOD OF THE SAME | : | |

This decision is issued in response to applicants' "Response to Decision of August 26, 2010 and Supplement to the Previously Filed Response to the Notification of Missing Requirements" filed 25 October 2010, treated herein as a renewed request under 37 CFR 1.497(d). Applicants have previously paid the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 26 August 2010. The decision dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d), finding that applicants had failed to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the required consent of the assignee to the proposed change in inventorship.

On 17 May 2010, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The renewed petition includes the written consent of assignee Golconda Co., Ltd., and this statement of consent was submitted in compliance with 37 CFR 3.73(b). Accordingly, applicants have now satisfied the final outstanding requirement for a grantable request to correct inventorship under 37 CFR 1.497(d). Applicant's request to remove Pyong-Taek KIM as inventor of record and to add Ji-hyuk CHA and Ki-won NAM as additional inventors of record is therefore appropriately granted.

Based on the above correction, the declaration filed 17 August 2010 is now acceptable in compliance with 37 CFR 1.497.

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to remove Pyong-Taek KIM as inventor of record and to add Ji-hyuk CHA and Ki-won NAM as additional inventors of record.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 17 August 2010.

/RichardMRoss/

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MAILED

JUN 13 2011

In re Application of :
KISSLING *et al* :
U.S. Application No.: 12/438,875 :
PCT No.: PCT/EP2007/058010 :
Int. Filing Date: 02 August 2007 :
Priority Date: 28 August 2006 :
Attorney Docket No.: 3712036.00962 :
For: MULTI-WAY VALVE DEVICE :

PCT LEGAL ADMINISTRATION

DECISION

This decision is in response to petition under 37 CFR 1.47(a) filed 18 April 2011.

BACKGROUND

On 02 August 2007, applicants filed PCT/EP2007/058010 which included a signed declaration of inventorship pursuant to PCT Rule 4.17(iv).

On 25 February 2009, applicants filed papers to enter the national stage of PCT/EP2007/058010 with the United States Designated/Elected Office (DO/EO/US).

On 25 September 2009, a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) was mailed stating that all 35 U.S.C. 371 requirements (including a declaration) were completed on 25 February 2009.

On 18 April 2011, applicants filed the subject petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a statement of facts by Marie Ducreux, a \$130.00 surcharge fee, a \$200.00 petition fee, a declaration executed by Jean-Luc THULIEZ on behalf of Iwan KISSLING, and documentary evidence in support of the petition ("Exhibits A - E").

DISCUSSION

In the papers filed 18 April 2011, applicants state that the above-captioned application was filed without a signed declaration. Applicants submitted a declaration executed by one of the inventors and filed the subject petition under 37 CFR 1.47(a) for joint inventor, Iwan KISSLING.

A review of the subject application shows that an executed declaration of inventorship was filed in the international application pursuant to PCT Rule 4.17(iv) and 51bis.1(a)(iv). This declaration was executed electronically by Iwan KISSLING and

Jean-Luc THULIEZ on 13 July 2007. This declaration was accepted by the DO/EO/US upon entering the national stage and a Form PCT/DO/EO/903 was mailed on 25 September 2009.

A review of the declaration filed pursuant to PCT Rule 4.17(iv) and 51bis.1(a)(iv) shows that it is in compliance with 37 CFR 1.497(a) and (b). Accordingly, a petition under 37 CFR 1.47(a) is not required.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The surcharge fee of \$130.00 and petition fee of \$200.00 paid 18 April 2011 are not required and will be credited back to Deposit Account No. 02-1818.

This application is being forwarded to the appropriate Technology Center for examination.



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MAILED

JUN 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
Ertl, *et al.* :
Application No.: 12/438,889 : DECISION ON
PCT No.: PCT/US2007/018939 :
Int. Filing Date: 28 August 2007 : PETITION
Priority Date: 28 August 2006 :
Attorney Docket No.: 00486.00031 : UNDER 37 CFR 1.497(d)
For: CONSTRUCTS FOR :
ENHANCING IMMUNE RESPONSES : and 37 CFR 1.47(a)

This is a decision in response to the "PETITION PURSUANT TO 37 CFR §1.497(d) and 37 CFR §1.47 (a)" filed on 09 December 2010. The petition fees have been paid.

BACKGROUND

On 28 August 2007, applicants filed international application PCT/US2007/018939 that claimed priority of an US provisional application filed 28 August 2006. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 28 February 2009.

On 25 February 2009, applicants filed a letter for entry into the national stage in the United States which was accompanied by, inter alia, a copy of the international application, an application data sheet, and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/438,889.

On 24 June 2009, the United States Patent and Trademark mailed the "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903).

On 09 July 2010, the USPTO mailed a non-final rejection.

On 09 December 2010, applicants filed the current petitions along with affidavits and declarations signed by inventors Hildegund C.J. Ertl and Marcio O. Lasaro. The petitions urge

that Luis C.S. Ferreira should be added as an inventor in the present application and that Mr. Ferreira is refusing to execute the necessary application papers.

DISCUSSION

Request 37 CFR 1.497(d)

In that the present application has already entered the national stage, the present request is properly treated under 37 CFR 1.48(a), which states:

- (a) Nonprovisional application after oath /declaration filed . If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:
- (1) A request to correct the inventorship that sets forth the desired inventorship change;
 - (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
 - (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
 - (4) The processing fee set forth in § 1.17(i); and
 - (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1), (3), (4) and (5) above.

With regard to item (2), applicants have not provided a statement from Mr. Ferreira that the error in inventorship occurred without deceptive intention on his part. Applicants have indicated instead that Mr. Ferreira "has decided to decline" the proposal to have him named as an inventor in the application. Given this wording it is unclear whether Mr. Ferreira considers himself to be an inventor in the application and is refusing to execute the papers or if he is declining because he does not consider himself to be an actual inventor.

With regard to item (4), the \$130 petition fee under 37 CFR 1.17(i) has been **CHARGED** to applicant's deposit account **19-0733**.

Request 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing,

and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing inventor.

A review of the application file reveals that applicants have satisfied items (1)-(4) above. However, in that applicants have not submitted a grantable request to add Mr. Ferreira as an inventor, any decision on the petition under 37 CFR 1.47(a) must be held in abeyance.

Future Steps

MPEP 201.03 states, in part:

Correction of inventorship may also be obtained by the filing of a continuing application under 37 CFR 1.53 without the need for filing a request under 37 CFR 1.48, either in the application containing the inventorship error (using a copy of the executed oath or declaration from the parent application) or (to be abandoned) or in the continuing application. The continuing application must be filed with the correct inventorship named therein. The filing of a continuing application to correct the inventorship is appropriate if at least one of the correct inventors has been named in the prior application (35 U.S.C. 120 and 37 CFR 1.78(a)(1)). That is, at least one of the correct inventors must be named in the executed oath or declaration filed in the prior application, or where no executed oath or declaration has been submitted in the prior application, the name of at least one correct inventor must be set forth in the application papers pursuant to 37 CFR 1.41(a)(1). Where the name of at least one inventor is to be added, correction of inventorship can be accomplished by filing a continuing application under 37 CFR 1.53(b) with a newly executed oath or declaration under 37 CFR 1.63(a). Where the name of an inventor(s) is to be deleted, applicant can file a continuation or divisional application (using a copy of the executed oath or declaration from the parent application) with a request for deletion of the name of the inventor(s). See 37 CFR 1.63(d)(2). If a continuing application is filed with a new executed oath or declaration properly naming the correct inventors, a request for deletion of the name(s) of the person(s) who are not inventors in the continuing application is not necessary. The continuing application may be filed under 37 CFR 1.53(b) or, if the application is for a design patent, under 37 CFR 1.53(d). Note the requirements of 37 CFR 1.78 (a)(1)(ii).

In certain instances where the statement of the lack of deceptive intent of the inventor to be added or deleted cannot be obtained, a petition under 37 CFR 1.183 requesting waiver of that requirement may be possible.

On very infrequent occasions, the requirements of 37 CFR 1.48(a) have been waived upon the filing of a petition and fee under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. In re Cooper, 230 USPQ 638, 639 (Dep. Assist. Comm'r Pat. 1986). However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. In re Hardee, 223 USPQ 1122, 1123 (Comm'r Pat. 1984). As 37 CFR 1.48(a) is intended as a simple procedural remedy and does not represent a substantive determination as to inventorship, issues

relating to the inventors' or alleged inventors' actual contributions to conception and reduction to practice are not appropriate for consideration in determining whether the record unequivocally supports the correction sought.

In those situations where an inventor to be added refuses to submit a statement supporting the addition or such party cannot be reached, waiver under 37 CFR 1.183 of the requirement for a statement from that party would be appropriate upon a showing of such refusal or inability to reach the inventor. Every existing assignee of the original named inventors must give its consent to the requested correction. Where there is more than one assignee giving its consent, the extent of that interest (percentage) should be shown. Where no assignment has been executed by the inventors, or if deletion of a refusing inventor is requested, waiver will not be granted absent unequivocal support for the correction sought. Petitions under 37 CFR 1.47 are not applicable to the requirement for statements from each originally named inventor.

An available remedy to obtain correction of inventorship where waiver of a required statement is not available to correct the inventorship in a particular application is to refile the application naming the correct inventive entity. A request under 37 CFR 1.48(a) would not then be required in the newly filed application as no correction would be needed. Furthermore, a request under 37 CFR 1.48(a) would also not be required in the prior application that was refiled, since the prior application will be abandoned. Benefit of the parent application's filing date would be available under 35 U.S.C. 120 provided there is at least one inventor overlap between the two applications. (Note: a sole-to-sole correction would not obtain benefit under 35 U.S.C. 120).

A review of the application file reveals that the facts of record do not unequivocally support the correction sought. Specifically, as discussed above, it is not clear whether Mr. Ferreira considers himself to be an actual inventor in the application. Therefore, the granting of a petition under 37 CFR 1.183 to waive the requirement for a statement from whether Mr. Ferreira considers himself to be an inventor in the application would be improper. As such, applicants should consider the filing of a continuing application under 35 U.S.C. 111 which claims benefit under 35 U.S.C. 120 to the present national stage application.

CONCLUSION

For the reasons above, the petition under 35 U.S.C. 1.48(a) is **DISMISSED** without prejudice.

Also for the reasons above, the decision on the petition under 37 CFR 1.47(a) is hereby held in **ABEYANCE**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Debra Brittingham
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A handwritten signature in black ink, appearing to read 'Richard Cole', written in a cursive style.

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration



11 AUG 2010

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Fish & Richardson P.C.
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In re Application of :
MASLOWSKI et al. :
Application No.: 12/438,932 :
PCT No.: PCT/US2007/077141 :
Int. Filing Date: 29 August 2007 :
Priority Date: 29 August 2006 :
Attorney Docket No.: 10592-0027US1 :
For: METHODS FOR CULTURING :
MINIMALLY-PASSAGED :
FIBROBLASTS AND USES THEREOF :

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Response to Decision on Petition under 37 CFR 1.47(a)" filed 02 August 2010. In a decision dated 02 June 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Myrna F. Thomas, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 02 August 2010 with the present petition was executed by the named inventor, the previous non-signing inventor, Myrna F. Thomas. The declaration filed 02 August 2010 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 29 August 2007 under 35 U.S.C. 363 and a date of 02 August 2010 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 11 2011

PCT LEGAL ADMINISTRATION

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BARNES & THORNBURG LLP
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INDIANAPOLIS IN 46204

| | | |
|-------------------------------------|---|----------|
| In re Application of | : | |
| BEHRENS | : | |
| Application No.: 12/439,129 | : | DECISION |
| PCT No.: PCT/EP2007/006716 | : | |
| Int. Filing Date: 30 July 2007 | : | |
| Priority Date: 05 September 2006 | : | |
| Attorney's Docket No.: 45805-208181 | : | |
| For: BACKREST FOR A REAR SEAT OF A | : | |
| MOTOR VEHICLE | : | |

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 31 March 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 30 July 2007, applicants filed international application PCT/EP2007/006716, which designated the U.S. and claimed a priority date of 05 September 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 13 March 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 March 2009.

On 26 February 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a purported English translation of the international application.

On 07 July 2009, the USPTO issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required and a translation of the international application into English was also required because the translation filed 26 February 2009 was defective.

On 15 July 2009, applicants filed a response to the Notification mailed 07 July 2009 which included a declaration of inventors. The response did not include a translation of the international application into English, however.

On 12 March 2010, the USPTO issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 07 July 2009 within the time period set therein.

On 31 March 2010, applicants filed a submission including, *inter alia*, a petition under 37 CFR 1.137(b) and an English translation of the international application..

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Item (1) has been satisfied. The English translation filed 31 March 2010 overcomes the defect noted in the NOTIFICATION OF MISSING REQUIREMENTS mailed 07 July 2009.

As to item (2), applicant submitted the petition fee on 31 March 2010.

As to item (3), the required statement has been provided.

Declaration of Inventors

The declaration of the inventor filed 15 July 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/439,223 | 10/27/2009 | Hyeong-Geun Park | YM7-002US | 2307 |
| 959 | 7590 | 09/08/2011 | EXAMINER | |
| NELSON MULLINS RILEY & SCARBOROUGH LLP | | | BLANTON, JOHN D | |
| FLOOR 30, SUITE 3000 | | | ART UNIT | |
| ONE POST OFFICE SQUARE | | | PAPER NUMBER | |
| BOSTON, MA 02109 | | | 2466 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 09/08/2011 | PAPER |

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 06 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER

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

EuiHoon Lee
LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

In re Application of: PARK, HYEONG-
GUEN et al.
Application No.: 12/439,223
Filed: February 27, 2009
For: METHOD AND APPARATUS FOR
TRANSMITTING UPLINK SIGNAL, AND
METHOD AND APPARATUS FOR
GENERATING UPLINK SIGNAL IN
COMMUNICATION SYSTEM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 18, 2011, to make the above-identified application special.

The petition is **GRANTED**.

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

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

Where the KIPO application that contains the allowable/patentable claims is not the same

application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.

(3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the KR application(s). Claims will be considered to sufficiently correspond where, accounting for differences due to translations and claim format requirements, the claims are of the same or similar scope. Applicant is also required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application correspond to the allowable/patentable claims in the KR application(s).

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

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

(6) Applicant must submit (a) an IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and (b) copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition meets all conditions as shown above.

Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto 571 272-3902. or Hassan Kizou at 571-272-3088 as a second point of contact. 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>.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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John S. Gillispie
612 Ensminger Drive
Jacobus PA 17407

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application of
Peter Gleim et al.
Application No. 12/439,235
Filed: November 11, 2009
Attorney Docket No. F6200-00501

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 November 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 by inventor Peter Gleim, attesting to his/her 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.

The application is being forwarded to Technology Center 3766 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

| | |
|-----------------------------|--|
| Electronic Petition Request | PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c) |
| Application Number | 12439341 |
| Filing Date | 27-Feb-2009 |
| First Named Inventor | Makoto Watanabe |
| Art Unit | 1761 |
| Examiner Name | HAIDUNG NGUYEN |
| Attorney Docket Number | Q112379 |
| Title | HETEROACENE DERIVATIVE, TETRAHALOTERPHENYL DERIVATIVE, AND PROCESSES FOR PRODUCING THE SAME |

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

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

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - 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 | /Jennifer M. Hayes/ |
| Name | Jennifer M. Hayes |
| Registration Number | 40641 |



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 28,2011

In re Application of :

Makoto Watanabe

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12439341

Filed : 27-Feb-2009

Attorney Docket No : Q112379

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed June 28,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid 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 1761 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

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

**MAILED
OCT 28 2010
OFFICE OF PETITIONS**

In re Application of :
Ziegert et al. :
Application No. 12/439,342 :
Filed: November 13, 2009 :
Attorney Docket No. 049648/367989 :

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 15, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on October 26, 2010 the power of attorney to Alston & Bird, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED
JUL 21 2011
OFFICE OF PETITIONS

In re Application of :
Haruta et al. :
Application No. 12/439,348 : **RESPONSE TO PETITION**
Filed: February 27, 2009 :
Attorney Docket No. 704516 :

This is a response to the petition under 37 CFR 1.59(b), filed May 9, 2011, to expunge information from the above identified application.

The petition is **granted**.

On May 2, 2011, a letter from an attorney to a client was unintentionally submitted. Petitioner desires to have that letter expunged from the above identified application.

Upon a showing satisfactory to the Director, information, other than that forming part of the original disclosure may be expunged from an application. The petition satisfies requirements A-F of MPEP section 724.05 II for expunging information that is unintentionally submitted in an application.

It is agreed that it would be appropriate in this instance to close the letter unintentionally filed May 2, 2011 in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

As a condition of this favorable treatment petitioner is required to maintain the material in question during the enforceable life of any patent arising from this application, or any patent claiming benefit of this application.

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Hidehiro OBA, et al.
SERIAL NO. : 12/439,388
FILED : 27 February 2009
FOR : POWER OUTPUT APPARATUS AND HYBRID VEHICLE
GROUP ART UNIT : 3618 Conf. No. 3855
EXAMINER : Vaughn Coolman

**SUBMISSION OF REQUEST FOR PARTICIPATION IN THE
PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-
PPH) PROGRAM BETWEEN JPO AND US PTO**

COMMISSIONER FOR PATENTS
PETITIONS BRANCH
P. O. Box 1450
Alexandria, VA 22313-1450

Attention: Magdalen Greenlief

Sir:

Applicants hereby request participation in the PCT-Patent Prosecution Highway (PCT-PPH) Program and *petition to make this application special under the PCT-PPH Program*. To comply with the requirements, the following papers are transmitted:

- 1) Request For Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) Program Between the JPO and the USPTO with claims correspondence table (Form PTO/SB/20PCT-JP);
- 2) Japanese language version of international work product (IPRP) in PCT/JP2007/064342, i.e., PCT/ISA/237;
- 3) English Translation of Written Opinion (PCT/ISA/237).

REMARKS

In view of the foregoing documents transmitted herewith to comply with the Requirements For Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PPH) Program between the JPO and the USPTO, Applicant respectfully requests participation in the program as well as accelerated examination of this application.

The US claims correspond to the claims found to meet the criteria of novelty, inventive step and industrial applicability in the IPRP, as shown in the claims correspondence table attached to the PCT-PPH Request form.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this request.

The Office is authorized to charge any fees related to this filing to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: 13 September 2011

/Daniel G. Shanley/
Daniel G. Shanley
(Reg. No. 54,863)

KENYON & KENYON LLP
1500 K Street, N.W., #700
Washington, D.C. 20005

Telephone: (202) 220-4200
Facsimile: (202) 220-4201

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

| | | | |
|---|---|--------------|------------------|
| Application No: | 12/439,388 | Filing date: | 27 February 2009 |
| First Named Inventor: | Hidehiro OBA | | |
| Title of the Invention: | POWER OUTPUT APPARATUS AND HYBRID VEHICLE | | |
| THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML | | | |
| APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. | | | |
| <p>The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.</p> <p align="center">PCT/JP2007/064342</p> <p>The corresponding PCT application number(s) is/are:</p> <p>The international date of the corresponding PCT application(s) is/are: 20 July 2007</p> <p>I. List of Required Documents:</p> <p>a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</p> <p><input 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. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).</p> <p><input 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. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.</p> | | | |

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

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

Application No.: 12/439,388

First Named Inventor: Hidehiro OBA

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 27 February 2009

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

 Are attached. Have already been filed in the above-identified U.S. application on 27 February 2009**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|--------------------------|--|--|
| 1 | 1 | US claim 1 corresponds to PCT claim 1. |
| 2 | 2 | US claim 2 corresponds to PCT claim 2. |
| 3 | 3 | US claim 3 corresponds to PCT claim 3. |
| 4 | 4 | US claim 4 corresponds to PCT claim 4. |
| 5 | 5 | US claim 5 corresponds to PCT claim 5. |
| 6 | 6 | US claim 6 corresponds to PCT claim 6. |
| 7 | 7 | US claim 7 corresponds to PCT claim 7. |
| 8 | 8 | US claim 8 corresponds to PCT claim 8. |
| 9 | 9 | US claim 9 corresponds to PCT claim 9. |
| 10 | 10 | US claim 10 corresponds to PCT claim 10. |
| 11 | 11 | US claim 11 corresponds to PCT claim 11. |
| 12 | 12 | US claim 12 corresponds to PCT claim 12. |
| 13 | 13 | US claim 13 corresponds to PCT claim 13. |
| 14 | 14 | US claim 14 corresponds to PCT claim 14. |
| 15 | 15 | US claim 15 corresponds to PCT claim 15. |
| 16 | 16 | US claim 16 corresponds to PCT claim 16. |
| | | |
| | | |
| | | |

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

| | |
|--------------------------------------|----------------------------|
| Signature /Daniel G. Shanley/ | Date 13 September 2011 |
| Name (Print/Typed) Daniel G. Shanley | Registration Number 54,863 |

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 FNTYA199WO | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/JP2007/064342 | International filing date (<i>day/month/year</i>) 20 July 2007 (20.07.2007) | Priority date (<i>day/month/year</i>) 01 September 2006 (01.09.2006) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-------------------------------------|---|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| <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>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 17 March 2009 (17.03.2009)</p> |
| | <p>Authorized officer Yoshiko Kuwahara</p> <p>e-mail: pt07.pct@wipo.int</p> |

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

| | | |
|---|---|---|
| Applicant's or agent's file reference FNTYA199WO | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/JP2007/064342 | International filing date (day/month/year) 20.07.2007 | Priority date (day/month/year) 01.09.2006 |
| International Patent Classification (IPC) or both national classification and IPC | | |
| Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA | | |

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/JP | Date of completion of this opinion | Authorized officer |
| Facsimile No. | | Telephone No. |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2007/064342

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
 - the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed
 - filed together with the international application in electronic form
 - furnished subsequently to this Authority for the purposes of search
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) 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.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2007/064342

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>1-16</u> | YES |
| | Claims _____ | NO |
| Inventive step (IS) | Claims <u>1-16</u> | YES |
| | Claims _____ | NO |
| Industrial applicability (IA) | Claims <u>1-16</u> | YES |
| | Claims _____ | NO |

2. Citations and explanations:

Document 1: JP 2005-349881 A (Toyota Motor Corp.), 22 December
2005, fig. 1 (Family: none)

Document 2: JP 2005-199942 A (Toyota Motor Corp.), 28 July
2005, fig. 1 (Family: none)

Document 3: JP 2005-86877 A (Toyota Motor Corp.), 31 March
2005, fig. 7 (Family: none)

The invention as in claims 1-16 is neither disclosed in
any of the documents cited in the ISR nor obvious to a person
skilled in the art.

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 FNTYA199WO | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/JP2007/064342 | International filing date (<i>day/month/year</i>) 20 July 2007 (20.07.2007) | Priority date (<i>day/month/year</i>) 01 September 2006 (01.09.2006) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-------------------------------------|---|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| <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 style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><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 style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><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 style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><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 | | | | | | | | | | | | | | | | | | | | | | |

| | |
|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 | Date of issuance of this report 03 March 2009 (03.03.2009) Authorized officer <p style="text-align: center;">Yoshiko Kuwahara</p> e-mail: pt07.pct@wipo.int |
|---|--|

特許協力条約

発信人 日本国特許庁（国際調査機関）

| | |
|--|---|
| 代理人 特許業務法人アイテック国際特許事務所 様 あて名 〒100-0011 日本国東京都千代田区内幸町1-3-3 内幸町ダイビル | PCT 国際調査機関の見解書 (法施行規則第40条の2) [PCT規則43の2.1] |
| 発送日 (日.月.年) 21.08.2007 | |

| | | |
|---|-----------------------------|---------------------------|
| 出願人又は代理人 の書類記号 FNTYA199W0 | 今後の手続きについては、下記2を参照すること。 | |
| 国際出願番号 PCT/JP2007/064342 | 国際出願日 (日.月.年) 20.07.2007 | 優先日 (日.月.年) 01.09.2006 |
| 国際特許分類 (IPC) Int.Cl. B60K6/04(2006.01)i, B60K17/04(2006.01)i, B60L11/14(2006.01)i, F16H3/66(2006.01)i, F16H3/72(2006.01)i | | |
| 出願人 (氏名又は名称) トヨタ自動車株式会社 | | |

1. この見解書は次の内容を含む。

- 第I欄 見解の基礎
- 第II欄 優先権
- 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- 第IV欄 発明の単一性の欠如
- 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- 第VI欄 ある種の引用文献
- 第VII欄 国際出願の不備
- 第VIII欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から2月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

| | | |
|---|---|-------------|
| 見解書を作成した日 07.08.2007 | | |
| 名称及びあて先 日本国特許庁 (ISA/JP) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号 | 特許庁審査官 (権限のある職員) 原 泰造 電話番号 03-3581-1101 内線 3328 | 3 J 9 7 2 1 |

第 I 欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。
 - 出願時の言語による国際出願
 - 出願時の言語から国際調査のための言語である _____ 語に翻訳された、この国際出願の翻訳文 (PCT規則12.3(a)及び23.1(b))
2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。
 - a. タイプ
 - 配列表
 - 配列表に関連するテーブル
 - b. フォーマット
 - 紙形式
 - 電子形式
 - c. 提出時期
 - 出願時の国際出願に含まれていたもの
 - この国際出願と共に電子形式により提出されたもの
 - 出願後に、調査のために、この国際調査機関に提出されたもの
3. さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。
4. 補足意見：

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

| | | | |
|----------------|-------|------|---|
| 新規性 (N) | 請求の範囲 | 1-16 | 有 |
| | 請求の範囲 | | 無 |
| 進歩性 (IS) | 請求の範囲 | 1-16 | 有 |
| | 請求の範囲 | | 無 |
| 産業上の利用可能性 (IA) | 請求の範囲 | 1-16 | 有 |
| | 請求の範囲 | | 無 |

2. 文献及び説明

- 文献1 : JP 2005-349881 A (トヨタ自動車株式会社) 2005.12.22, 第1図 (ファミリーなし)
- 文献2 : JP 2005-199942 A (トヨタ自動車株式会社) 2005.07.28, 第1図 (ファミリーなし)
- 文献3 : JP 2005-086877 A (トヨタ自動車株式会社) 2005.03.31, 第7図 (ファミリーなし)

請求の範囲1~16に係る発明は、国際調査報告に引用されたいずれの文献にも記載されておらず、当業者にとって自明なものでもない。



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005**

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

**In re Application of
Hidehiro OBA et al.
Application No.: 12/439,388
Filed: February 27, 2009
Attorney Docket No.: 12699/199
Title: Power Output Apparatus and
Hybrid Vehicle**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 14, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

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

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1, 2), (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (3, 4).

Regarding the requirement of condition (3), applicant has failed to provide a copy of an English translation of the claims from the PCT application. Further, Applicant has not provided a statement that the English translation is accurate. Because no copy of the claims from the PCT in English has been provided, it cannot be concluded that condition (4) has been met.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.

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


David Buccini
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Hidehiro OBA, et al.
SERIAL NO. : **12/439,388**
FILED : 27 February 2009
FOR : POWER OUTPUT APPARATUS AND HYBRID VEHICLE
GROUP ART UNIT : 3618 Conf. No. **3855**
EXAMINER : Vaughn Coolman

**RESPONSE TO DISMISSAL OF REQUEST FOR PCT-PPH PROGRAM
PARTICIPATION**

COMMISSIONER FOR PATENTS
OFFICE OF PETITIONS
P. O. Box 1450
Alexandria, VA 22313-1450

Attention: David Bucci – Petitions Examiner

Sir:

In response to the Decision on Request to Participate in the PCT-PPH Program mailed 11 January 2012 dismissing the Request, it is respectfully brought to the Petition Examiner's attention that the Request (Form PCTO/SB/20/PCT-US) filed on 14 September 2011 indicated that the claims which were determined to have novelty, inventive step and industrial applicability were not required since they were already in the US Application upon filing the request for entry into the national phase on 27 February 2009. Therefore, no verified translation of these claims was required.

It is therefore respectfully requested that the Request for PCT-PPH Program participation as well as accelerated examination of this application be granted.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this request.

The Office is authorized to charge any fees related to this filing to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: 19 January 2012

/Daniel G. Shanley/
Daniel G. Shanley
(Reg. No. 54,863)

KENYON & KENYON LLP
1500 K Street, N.W., #700
Washington, D.C. 20005

Telephone: (202) 220-4200
Facsimile: (202) 220-4201



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005**

**MAILED
APR 18 2012
OFFICE OF PETITIONS**

**In re Application of
Hidehiro Oba, et al.
Application No.: 12/439,388
Filed: 27 February 2009
Attorney Docket No.: 12699/119
For: POWER OUTPUT APPARATUS
AND HYBRID VEHICLE**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 23 September 2011 and renewed 19 January 2012, to make the above-identified application special.

The request and petition are **DENIED**.

DISCUSSION

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

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

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

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

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-4) and (6-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (5).

Regarding the requirement of condition (5), examination of the US application has already begun. An Office action was mailed 14 February 2012.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

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


Anthony Knight
Director
Office of Petitions



MAILED

NOV 22 2010

PCT LEGAL ADMINISTRATION

C. JAMES BUSHMAN
5851 San Felipe
SUITE 975
HOUSTON TX 77057

| | | |
|----------------------------------|---|----------|
| In re Application of | : | |
| MACKINNON et al. | : | |
| Application No.: 12/439,399 | : | DECISION |
| PCT No.: PCT/GB2007/050511 | : | |
| Int. Filing Date: 29 August 2007 | : | |
| Priority Date: 31 August 2006 | : | |
| Attorney's Docket No.: Acergy-76 | : | |
| For: APPARATUS AND METHOD FOR | : | |
| ADAPTING A SUBSEA VEHICLE- | : | |

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 23 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 August 2007, applicants filed international application PCT/GB2007/050511, which designated the U.S. and claimed a priority date of 31 August 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 06 March 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 March 2009 (28 February 2009 being a Saturday).

On 27 February 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 July 2009, the USPTO issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 September 2010, the USPTO issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 14 July 2009 within the time period set therein.

On 22 September 2010, applicants filed a submission including, *inter alia*, a petition under 37 CFR 1.137(b).

On 23 September 2010, applicants filed a submission including, *inter alia*, a declaration of the inventor.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Item (1) has been satisfied.

As to item (2), applicant submitted the petition fee on 22 September 2010.

As to item (3), the required statement has been provided.

Declaration of Inventors

The declaration of the inventor filed 23 September 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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: 1928 US

Application Number (if known): 12439420

Filing date: 2008-06-19

First Named Inventor: Jillian Elaine Collier

Title: LOW TEMPERATURE HYDROCARBON SCR

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Statement of Special Status and Preliminary Amendment

Signature /Stephen J. Driscoll/

Date 02/18/2011

Name Stephen J. Driscoll
(Print/Typed)

Registration Number 37564

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.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|--------------------|------------------------|-----------------------------|------------------------|
| 12/439,420 | 02/27/2009 | Jillian Elaine Collicr | AA 1808 US | 3677 |
| 95567 RatnerPrestia (JM) P.O. Box 980 Valley Forge, PA 19482-0980 | 7590 03/16/2011 | | | |
| | | | EXAMINER WOODARD, JOYE L | |
| | | | ART UNIT 1773 | PAPER NUMBER |
| | | | MAIL DATE 03/16/2011 | DELIVERY MODE PAPER |

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

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



RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

3/16/2011

| | | |
|--------------------------------|---|-----------------------|
| In re Application of | : | |
| Collier et al. | : | DECISION ON PETITION |
| Application No. 12/439,420 | : | TO MAKE SPECIAL UNDER |
| Filed: 2/27/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. AA 1808 US | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed 2/18/2011, 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 1773 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700



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

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of Remo Corghi :
Application No. 12/439,434 : Letter
371(c) Date: September 1, 2009 :
Attorney Docket No. CORGHI 33 :

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed January 6, 2012.

The deficiency payment of \$831 is hereby accepted.

The change of status to large entity has been entered and made of record.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/439,474 | 11/17/2009 | Katsunari Uemura | 5132-0136PUS1 | 4150 |
| 2292 | 7590 | 08/18/2011 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | BLANTON, JOHN D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2466 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 08/18/2011 | ELECTRONIC |

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

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

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

mailroom@bskb.com



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

In re Application of: Katsunari Uemuara
Application No. 12439474
Filed: November 17, 2009
For: **MOBILE COMMUNICATION
SYSTEM, MOBILE STATION
APPARATUS, BASE STATION
APPARATUS AND RANDOM ACCESS
CHANNEL TRANSMITTING
METHOD**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 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 must (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO 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;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in

Application SN: 12439474
Decision on Petition

the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126

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

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

/Chau Nguyen/

Chau Nguyen
Quality Assurance Specialist
Technology Center 2400



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/439,489 04/02/2009 Manfred Dunky 2993-0128PUS2 4307

7590 08/03/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

WALSHON, SCOTT R

ART UNIT PAPER NUMBER

1788

NOTIFICATION DATE DELIVERY MODE

08/03/2011

ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. [] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [x] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Farnes (handwritten signature)

Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : August 23, 2011
TO SPE OF : ART UNIT 3617
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/439,501 Patent No.: 7857672

CofC mailroom date: 07/26/11

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 the changes be
made?

RoChau Hardwick
Certificates of Correction Branch
571 272-0470

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

3617

Art Unit



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**JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017**

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Steven W. Granger, et al. :
Application No. 12/439,518 :
Filed: March 6, 2009 :
Attorney Docket No. 7505-049-999 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 4, 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: **Kyowa Hakko Kirin Co., Limited**
1-6-1 Ohtemachi, Chiyoda-ku
Tokyo 100-8185



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KF ROSS PC
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX NY 10471-0900

MAILED

DEC 17 2010

In re Application of : DECISION ON PCT LEGAL ADMINISTRATION
KUJAT et al :
Application No.: 12/439,551 :
PCT No.: PCT/EP2006/008796 :
Int. Filing Date: 09 September 2006 : PAPERS FILED
Priority Date: N/A :
Attorney's Docket No.: 24429 :
For: METHOD FOR PRODUCING :
FILM BAGS : UNDER 37 CFR 1.42

This is a decision on the "declaration" filed on 18 October 2010, which has been treated as a renewed request for status under 37 CFR 1.42..

BACKGROUND

In a decision from this Office on 20 April 2010, the request filed on 10 December 2009 was not accepted under 37 CFR 1.42.

On 18 October 2010, applicants filed the present renewed request, which also included a renewed submission under 37 CFR § 1.42 accompanied with an executed declaration.

DISCUSSION

Applicants have provided a supplemental executed declaration, which sets forth that Monika Kleinschmidt-Kujat is the widow and sole heir of the deceased inventor Marcus KUJAT, and it also sets forth their citizenships and residences.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

It is noted that if they are executing the declaration as the sole heir of the deceased inventor then it is hereby construed as an indication that no legal representative(s) of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative(s) of the deceased inventor in response to this decision.

DECISION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459



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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 12/439554 | 03/02/09 | Yoshihisa Kakuda | 742421-230 |

DATE MAILED: August 29, 2011

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston VA 20190

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.
- The petition for express abandonment under 1.138(d) is dismissed because the request was filed after the 2 month time period. A grantable petition under 37 CFR 1.183 must be filed to waive the 2 month time period.

Any inquiries concerning this decision should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management



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**KEVIN D. MCCARTHY
ROACH BROWN MCCARTHY & GRUBER, P.C.
424 MAIN STREET
1920 LIBERTY BUILDING
BUFFALO NY 14202**

**MAILED
APR 06 2011
OFFICE OF PETITIONS**

In re Application of :
Carmi David Gressel et al. :
Application No. 12/439,556 :
Filed: June 3, 2009 :
Attorney Docket No. 0-09-048 (22936/US/07) :
: **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 January 20, 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 inventor Carmi David Gressel attesting to his/her 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 2492 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------|-------------|----------------------|---------------------|------------------|
| 12/439,580 | 03/02/2009 | Akihiro Kimura | 12699/116 | 5196 |
| 23838 | 7590 | 08/23/2011 | EXAMINER | |
| KENYON & KENYON LLP | | | YOUNG, EDWIN | |
| 1500 K STREET N.W. | | | ART UNIT | |
| SUITE 700 | | | PAPER NUMBER | |
| WASHINGTON, DC 20005 | | | 3655 | |
| | | | MAIL DATE | |
| | | | DELIVERY MODE | |
| | | | 08/23/2011 | |
| | | | 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.



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AUG 23 2011

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re application of
Kimura et al
Application No. 12/439,580
Filed: March 02, 2009
For: POWER OUTPUT APPARATUS,
CONTROL METHOD OF POWER
OUTPUT APPARATUS, AND VEHICLE
EQUIPPED WITH POWER OUTPUT
APPARTUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 06, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed July 06, 2011. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/23/11

30 AUG 2010



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

In re Application of MACOME et al. :
Application No.: 12/439,623 : DECISION ON PETITION
PCT No.: PCT/US07/77587 :
Int. Filing Date: 05 September 2007 : UNDER 37 CFR 1.47(a)
Priority Date: 05 September 2006 :
Attorney Docket No.: 101141-51 :
For: ASPHALT ENHANCING ADDITIVE :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 12 July 2010, to accept the application without the signature of the joint inventor OSVALDO VULIJSCHER.

BACKGROUND

On 17 August 2009, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 23 November 2009, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor OSVALDO VULIJSCHER, alleging that he refuses to sign the application.

On 26 January 2010, a decision dismissing the petition was mailed indicating that applicant had failed to provide factual proof that the non-signing inventor refused to execute the application and to provide his last known address.

On 24 March 2010, applicant filed a renewed petition under 37 CFR 1.47(a). On 11 May 2010, a decision dismissing the petition under 37 CFR 1.47(a) was mailed.

DISCUSSION

As previously stated, a petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (3) and (4).

With respect to Item (2) above, Petitioner submitted the 8 July 2010 first-hand statement of Daniel Nieto, Argentine patent representative, as proof of Mr. Vulijscher's refusal. Mr. Nieto states that "on 25 January 2009, I hand presented a copy of the application papers, including

specification, claims and Combined Oath and Declaration and Power of Attorney to Mr. Vulijscher at his last known address....” Thereafter, Mr. Nieto states: “On 05 March 2009, upon hearing of Mr. Vulijscher’s refusal to sign, I sent Mr. Vulijscher a letter personally requesting that he sign the documents. On November 4, 200, I spoke with Mr. Vulijscher directly on the telephone whereupon he stated that he will not sign the document and gave no reason for his refusal. Mr. Vulijscher also firmly stated that he does not wish to discuss this subject any further, and requested that all communications end.” Under these circumstances, it can be concluded that Mr. Vulijscher refuses to sign the application papers. Item (2) is now satisfied. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 23 November 2009. The application has an international filing date of 05 September 2007 under 35 U.S.C. 363, and a date of 23 November 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
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30 AUG 2010



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OSVALDO FELIX VULIJSCHER
LIBERATADOR SAN MARTIN 5515 piso 5 "B"
1426 BUENOS AIRES
ARGENTINA

In re Application of MACOME et al.
Application No.: 12/439,623
PCT No.: PCT/US07/77587
Int. Filing Date: 05 September 2007
Priority Date: 05 September 2006
Attorney Docket No.: 101141-51
For: ASPHALT ENHANCING ADDITIVE

Dear Mr. Vulijsher:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

12/439,652

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111023

DATE : October 24, 2011

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 8004338

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

Please complete this form and return with file, within 7 days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

SPE: /Lincoln Donovan/

Art Unit 2816



13 SEP 2010

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WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

In re Application of :
MEADOWS et al. :
Application No.: 12/439,759 : DECISION
PCT No.: PCT/US2007/077786 :
Int. Filing Date: 06 September 2007 :
Priority Date: 06 September 2006 :
Attorney Docket No.: 47937-P004WOUS :
For: CASING DETECTION :

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 12 August 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 06 September 2007, applicants filed international application PCT/US2007/077786, which designated the United States and claimed a priority date of 06 September 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 13 March 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 March 2009 (06 March 2009 being a Saturday).

On 03 March 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 12 April 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 12 August 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a two-month extension of time, a declaration of inventors, and a declaration of facts by Polin Chieu with documents in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As to item (1), the petition fee of \$200 has been charged to Deposit Account 23-2426.

Item (2) has been met. It has been established that a copy of the application papers including the specification, claims, and drawings has been presented to the non-signing inventor Michael M. Meadows and that he refuses to execute the application.

Item (3) has been met. Although three addresses have been given for the last known address of Mr. Meadows, the return receipt for Certified Mail sent on 03 August 2010 shows that the correct address is 14250 Skinner Road, Cypress, TX 77429.

Item (4) has also been met.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **12 August 2010**.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

13 SEP 2010



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Mr. Michael M. Meadows
14250 Skinner Road
Cypress, TX 77429

In re Application of :
MEADOWS et al. :
Application No.: 12/439,759 :
PCT No.: PCT/US2007/077786 :
Int. Filing Date: 06 September 2007 :
Priority Date: 06 September 2006 :
Attorney Docket No.: 47937-P004WOUS :
For: CASING DETECTION :

Dear Mr. Meadows:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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P.O. BOX 50784
DALLAS TX 75201



10 AUG 2010

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WRB-IP LLP
801 N. Pitt Street
Suite 123
ALEXANDRIA, VA 22314

| | | |
|-------------------------------------|---|--------------------|
| In re Application of | : | |
| TORRANGS, et al. | : | |
| Application No.: 12/439,847 | : | |
| PCT No.: PCT/SE2006/001037 | : | DECISION ON PAPERS |
| Int. Filing Date: 08 September 2006 | : | |
| Priority Date: None | : | UNDER 37 CFR 1.42 |
| Attorney Docket No.: 000009-327 | : | |
| For: STEERING CONTROL SYSTEM FOR A | : | |
| VESSEL AND METHOD FOR | : | |
| OPERATING SUCH A STEERING | : | |
| CONTROL SYSTEM | : | |

This decision is in response to applicant filing of 12 July 2010. The combined declaration and power of attorney filed is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 08 September 2006, applicant filed international application PCT/SE2006/001037. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 March 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 08 March 2009.

On 04 March 2009, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 12 July 2010, applicant filed the executed combined declaration discussed herein, along payment of the appropriate surcharge for providing an executed declaration or oath of the inventor later than thirty months from the earliest claimed priority date.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

“In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and

obtain the patent.”

The declaration submitted on 12 July 2010 was executed by Eva Maria Finn as “guardian of minor heir” Lina Ingrid Finn and Ida Ebba Maria Finn heirs to the estate of deceased co-inventor, Peter Torrangs. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must provide the citizenship, residence, and mailing address of both the deceased inventor and the signing heirs. The present declaration appears to provide this information for the heirs but not the deceased inventor. The declaration must at a minimum provide the citizenship of the inventor and the citizenship, residence, and mailing addresses for the heirs.

CONCLUSION

Applicant’s petition under 37 CFR 1.42 is **DISMISSED, without prejudice.**

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description “Petition for review and processing by the PCT Legal Office” or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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



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WRB-IP LLP
Address: 801 N. Pitt Street
Suite 123
ALEXANDRIA VA 22314

MAILED

OCT 15 2010

PCT LEGAL ADMINISTRATION

| | | |
|-------------------------------------|---|----------------------|
| In re Application of | : | |
| TORRANGS, et al. | : | |
| Application No.: 12/439,847 | : | |
| PCT No.: PCT/SE2006/001037 | : | DECISION ON PETITION |
| Int. Filing Date: 08 September 2006 | : | |
| Priority Date: None | : | UNDER 37 CFR 1.42 |
| Attorney Docket No.:000009-327 | : | |
| For: STEERING CONTROL SYSTEM FOR A | : | |
| VESSEL AND METHOD FOR | : | |
| OPERATING SUCH A STEERING | : | |
| CONTROL SYSTEM | : | |

On 10 August 2010, applicant was mailed decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any intended response.

On 16 August 2010, applicant filed the present response and explanation. Counsel has provided a statement avowing that the residence, mailing address and citizenship provided on the declaration filed 12 July 2010 is identical for the deceased inventor and that of his surviving heirs, his minor children. In addition, applicant has provided that the heirs listed represent all of the heirs and that no legal representative will be appointed. It is therefore proper to grant applicant's renewed request for status at this time.

The application has an international filing date of 08 September 2006 under 35 U.S.C. 363 and will be given a date of **12 July 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/439,892 | 05/14/2009 | Keiichi Hirano | 17525/002001 | 8593 |
| 22511 | 7590 | 07/20/2011 | EXAMINER | |
| OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010 | | | SCHMIDTMANN, BAHAR | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1623 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 07/20/2011 | ELECTRONIC |

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

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

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

docketing@oshaliang.com
hathaway@oshaliang.com
kennedy@oshaliang.com



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JUL 20 2011

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

| | | |
|----------------------------------|---|------------------------|
| In re Application of | : | DECISION ON REQUEST TO |
| HIRANO ET AL. | : | PARTICIPATE IN PATENT |
| Application No. 12/439,892 | : | PROSECUTION HIGHWAY |
| Filed: May 14, 2009 | : | PROGRAM AND PETITION |
| Attorney Docket No. 17525/002001 | : | 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 June 2, 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 is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim;
- (2) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
- (3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the Office action from the JPO application 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 request, along with an English translation thereof and a statement that the English translation is accurate;

- (6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (7) Applicant must submit a claim correspondence table in English; and
- (8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

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

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the <http://www.uspto.gov/ebc/index.html>.

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


Cecilia Tsang
Supervisory Patent Examiner
TC 1600

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Attorney Docket No.: 3398-0143PUS1

| | | | |
|-----------------------|--------------------|--------------|-------------------|
| Application No: | 12/439,942 | Filing date: | November 06, 2009 |
| First Named Inventor: | Hans B. BAUERFEIND | | |

Title of the Invention: WRIST ORTHOSIS

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/EP2007/007532 (EP 2 061 406 B1 corresponds to PCT/EP2007/007532)

The international date of the corresponding PCT application(s) is/are: August 28, 2007

I. List of Required Documents:

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

Is attached

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

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

Is attached.

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

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

[Page 1 of 2]



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 12/439,942 | 11/06/2009 | Hans B. Bauerfeind | 3398-0143PUS1 | 8917 |

2292 7590 10/27/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

| |
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| EXAMINER |
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BIANCO, PATRICIA

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3772

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|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

10/27/2011

ELECTRONIC

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

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

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

mailroom@bskb.com



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

In re Application of
BAUERFEIND, HANS B. et al
Application No. 12/439,942
Filed: March 4, 2009
Attorney Docket No. 3398-0143PUS1
FOR: WRIST ORTHOSIS

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

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

The request and petition are Dismissed.

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

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

The instant petition complies with items 1 – 4 and 6 above except Item #5.

The petition fails to include a PCT positive search opinion regarding the patentability of claims 7-14. An Office action and/or search opinion showing the patentability of claims is required.

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

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

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

Petition is **dismissed**.

/Henry C. Yuen/

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



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30 ROCKEFELLER PLAZA
44th Floor
NEW YORK NY 10112-4498

PCT LEGAL ADMINISTRATION

| | | |
|-------------------------------------|---|--------------------|
| In re Application of | : | |
| ZIMMERman, Deborah, et al. | : | |
| Application No.: 12/440,000 | : | DECISION ON |
| PCT No.: PCT/US2007/019652 | : | |
| Int. Filing Date: 05 September 2007 | : | PETITION |
| Priority Date: 05 September 2006 | : | |
| Docket No.: 077375.0776 | : | UNDER 37 CFR 1.182 |
| For: ANTIBODIES TO BONE ... | : | |
| FOR THEIR USE | : | |

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 30 August 2010.

BACKGROUND

On 17 March 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors and the surcharge for late filing of the search fee, examination fee or oath or declaration were required. The Notification set a two month period for reply with extensions available under 37 CFR 1.136(a).

On 08 June 2010, applicants filed a declaration of the inventors and the surcharge.

On 08 July 2010, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating, *inter alia*, that the last name of inventor eight did not match the last name in the international application.

On 30 August 2010, applicants filed a petition under 37 CFR 1.182 to change the name of an inventor and the fee for a four month extension of time.

DISCUSSION

The \$400 fee for a petition under 37 CFR 1.182 has been paid. Inventor Emory states that her name changed from "Kyra D. Emory" to "Kyra D. Zens" upon her marriage.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **GRANTED**.

Application No. 12/440,000

-2-

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 08 2011

OFFICE OF PETITIONS

In re Application of :
Atsuyuki Mitani, et al. :
Application No. 12/440,036 : DECISION GRANTING PETITION
Filed: March 5, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney No. SPL-09-1048 :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed September 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 August 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2879 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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



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P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAIL

NOV 08 2010
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
UOI, HIROTAKA, et al. :
Application No. 12/440,202 :
Filed: December 31, 2009 :
Attorney Docket No. **091619-0278** :
: DECISION ON REQUEST TO
: PARTICIPATE IN PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 21, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

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



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

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of :
Sharir et al. : DECISION ON PETITION
Application No. 12/440,218 : TO WITHDRAW
Filed: August 4, 2009 : FROM RECORD
Attorney Docket No. BMC1171-US :

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

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

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

According to USPTO assignment records, CPA Global is not the assignee of the instant application. Since the instant request does not currently comply with the above, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There is an outstanding Office action mailed June 9, 2011 that requires a reply.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



MAILED

DEC 27 2010

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

PCT LEGAL ADMINISTRATION

In re Application of
FRIEDMAN et al.
Application No.: 12/440,223
PCT No.: PCT/US07/19537
Int. Filing Date: 07 September 2007
Priority Date: 08 September 2006
Attorney Docket No.: P-9066-US5
For: HSV-1 AND HSV-2 VACCINES AND
METHODS OF USE THEREOF

DECISION ON PETITIONS UNDER
37 CFR 1.497(d) & 1.182

This is a decision on applicant's "PETITION TO ADD INVENTORS UNDER 37 CFR 1.48(a)" filed on 19 August 2010. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d). This is also a decision on applicant's "PETITION UNDER 37 CFR 1.182" filed on 24 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 March 2009, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national.

On 08 April 2010, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required. Applicant was advised that the declaration was not executed in accordance with 37 CFR 1.66 or 1.68. On 08 June 2010, in response to the Notification, applicant filed an executed declaration. On the same date, applicant filed a response along with an executed declaration and the \$65 surcharge for filing the declaration after the thirty month period.

On 23 June 2010, a Notification of Defective Response was mailed to applicant indicating that the name of the inventor Elizabeth Zumbrun was listed but was not identified on the international application. On 19 August 2010, applicant filed a response along with a four page executed declaration.

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Harvey Friedman and Elizabeth E. Brittle were named as the inventors in the published international application PCT/US08/19537. With the submission of the petition under 37 CFR 1.497(d), applicant now requests the addition of inventor Fushan Wang.

Petition under 37 CFR 1.497(d)

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Petitioner provided the statement of Fushon Wang, inventor to be added, in support of the correction of inventorship under 37 CFR 1.497(d). A review of the application file reveals that the petition fee of \$130 was paid. Applicant also submitted the statement of Mr. Wang and the written consent of the assignee to add Fushon Wang as an inventor. With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to add Fushon Wang as inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is GRANTED.

Petition under 37 CFR 1.182

To correct the inventor's name, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c). A review of the application file reveals that the given name of the applicant as listed on the published international application is "ELIZABETH E. BRITTLE". The declaration, filed on 19 August 2010, was signed by "ELIZABETH E. ZUMBRUN". Applicant now submits a petition under 37 CFR 1.182 including a statement by the inventor BRITTLE indicating that her name changed to ZUMBRUN due to her marriage. Applicant also submitted her marriage certificate and paid the requisite petition fee. For the above reasons, the petition under 37 CFR 1.182 to change the respective inventor's name to ELIZABETH E. ZUMBRUN is **GRANTED**.

However, the declaration submitted on 19 August 2010 is unacceptable. The declaration is a three page declaration but is comprised of four pages: two pages are marked "3" and are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventor Fushon Wang is **GRANTED**.

The petition under 37 CFR 1.182 to correct the name of inventor to Elizabeth E. Zumbrun is **GRANTED**.

A declaration, executed in accord with 37 CFR 1.497(a) and (b), is required. Applicant must file the executed declaration within one month of the maildate of this decision or the time remaining under the Notification of Missing Requirements.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

App. No.: 12/440,223

3

Office of PCT Legal Administration

Telephone: (571)272-3286

Facsimile: (571)273-0459



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MAR 29 2011

PCT LEGAL ADMINISTRATION

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of
FRIEDMAN et al.
Application No.: 12/440,223
PCT No.: PCT/US07/19537
Int. Filing Date: 07 September 2007
Priority Date: 08 September 2006
Attorney Docket No.: P-9066-US5
For: HSV-1 AND HSV-2 VACCINES AND
METHODS OF USE THEREOF

DECISION ON DECLARATION

This is a decision on applicant's "Response to Decision on Petitions Under 37CFR 1.497(d) and 1.182" filed on 25 January 2011 in the United States Patent and Trademark Office (USPTO).

In a decision mailed 27 December 2010, applicant's petition to add inventor Fushon Wang under 37 CFR 1.497(d) was granted. Applicant's petition under 37 CFR 1.182 to correct inventor Brittle's to Zumbrun was also granted. Applicant was advised that the declaration submitted on 19 August 2010 was unacceptable because the declaration was a three page declaration but comprised of four pages and thus was not properly executed. A newly executed declaration was required.

On 25 January 2011, applicant submitted a newly executed declaration. The declaration is now acceptable as filed as it meets the requirements of 37 CFR 1.497 (a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is 25 January 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

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: 1400.0055 | Application Number (if known): 12/440,238 | Filing date: 03/05/2009 |
|--|--|--------------------------------|

First Named Inventor: **Ron CHEN**

Title: **Vehicular Movement Electricity Converter Embedded Within a Road Bump**

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: Applicant's Statement Of A Basis For Special Status

| | |
|--------------------------------------|-------------------------------|
| Signature /Michael Kondoudis/ | Date 15 September 2010 |
|--------------------------------------|-------------------------------|

| | |
|---|-----------------------------------|
| Name (Print/Typed) Michael Kondoudis | Registration Number 42,758 |
|---|-----------------------------------|

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

*Total of 1 forms are submitted.

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

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

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

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

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

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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



SEP 30 2010

The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington DC 20006

| | | |
|-------------------------------|---|-----------------------|
| In re Application of | : | |
| Ron CHEN | : | DECISION ON PETITION |
| Application No. 12/440,238 | : | TO MAKE SPECIAL UNDER |
| Filed: 3/5/2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. 1400.0055 | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed September 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3671 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600



UNITED STATES 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 Peabody
300 S. Riverside Plaza , 16th Floor
Chicago IL 60606

MAILED
DEC 16 2011
OFFICE OF PETITIONS

In re Application of :
Brandstadt :
Application No. 12/440,258 : DECISION ON PETITION
Filed: March 6, 2009 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 247166- :
33USPX/DC10485 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 12, 2011, 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) 272-3205. 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 1732 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.

/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 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: 12/440,258, 03/06/2009, 1732, 1490, 247166-33USPX/DC10485, 15, 5

CONFIRMATION NO. 1379

CORRECTED FILING RECEIPT



11880
Nixon Peabody
300 S. Riverside Plaza , 16th Floor
Chicago, IL 60606

Date Mailed: 12/15/2011

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

Applicant(s)

- Kurt F. Brandstadt, Midland, MI;
James H. Hand, Midland, MI;
Thomas H. Lane, Midland, MI;
Charles Leonard Liotta, Atlanta, GA;
Charles Alan Eckert, Atlanta, GA;
Andreas Sebastian Bommarius, Atlanta, GA;
Reagan Charney, Atlanta, GA;
Jason Patrick Hallett, London, UNITED KINGDOM;
Karen Marie Polizzi, Exeter, UNITED KINGDOM;
Pamela Pollet, Atlanta, GA;

Power of Attorney: The patent practitioners associated with Customer Number 11880

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US07/78251 09/12/2007
which claims benefit of 60/825,493 09/13/2006

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: 04/22/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/440,258

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

ORGANOSILICON-FUNCTIONAL PHASE TRANSFER CATALYSTS

Preliminary Class

502

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

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

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

NOT GRANTED

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

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

| | | | |
|-----------------|------------|--------------|---------------|
| Application No: | 12/440,313 | Filing date: | March 6, 2009 |
|-----------------|------------|--------------|---------------|

| | |
|-----------------------|------------------|
| First Named Inventor: | Roger Ballantine |
|-----------------------|------------------|

| | |
|-------------------------|---|
| Title of the Invention: | Remote Initiator for the Remote Initiation of Explosive Charges |
|-------------------------|---|

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/NZ2006/000242

The international filing date of the corresponding PCT application(s) is/are: September 20, 2006

I. List of Required Documents:

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

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

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

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

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

Privacy Act Statement

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

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

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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/440,313 | 03/06/2009 | Roger Ballantine | PIP0131PUSA | 1801 |
| 22045 | 7590 | 05/03/2011 | EXAMINER | |
| BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075 | | | BAUER, SCOTT ALLEN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2836 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 05/03/2011 | PAPER |

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

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



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

In re Application of

BALLANTINE et al.

Application No.: 12/440,313

Filed: 06 March 2009

Attorney Docket No.: PIP0131PUSA

**For: REMOTE INITIATOR FOR THE
REMOTE INITIATION OF
EXPLOSIVE CHARGES**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 18 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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



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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/440,364 | 03/06/2009 | Andries Wageningen | 00 6127 US1 | 2215 |
| 65913 | 7590 | 02/08/2012 | EXAMINER | |
| Intellectual Property and Licensing NXP B.V. 411 East Plumeria Drive, MS41 SAN JOSE, CA 95134 | | | FARAHMAND, ASHIL S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2472 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 02/08/2012 | ELECTRONIC |

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ip.department.us@nxp.com



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Intellectual Property and Licensing
NXP B.V.
411 East Plumeria Drive, MS41
SAN JOSE CA 95134

MAILED

FEB 07 2012

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of:
WAGENINGEN, ANDRIES
Application No. 12/440,364
Filed: March 6, 2009
For: CLUSTER COUPLER IN A TIME
TRIGGERED NETWORK

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed December 19, 2011 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the finality of the rejection mailed October 18, 2011.

The Applicant's counsel filed a petition to the Director under 37 CFR § 1.181 to seek relief from actions of the Examiner in relation to the Final Office Action mailed October 18, 2011. In the petition, Applicant's counsel alleged that the finality of the office action was improper because the Examiner introduced a new ground of rejection in the Final Office Action that was not necessitated by applicant's amendment of the claims as indicated in said Final Office Action.

A review of the file indicates that claim 17 was comprised of substantially similar subject matter, and claims 13 and 14, from which claim 17 had originally depended from, have not been amended. Nevertheless, claim 17 was rejected on the basis of new art. Therefore, the finality of the office action of October 18, 2011 is improper and hereby withdrawn. The Response of December 19, 2011 will be treated as a response to a non-final Office action, and the examiner will act upon the response in due course.

Accordingly, the petition is **GRANTED**.

Any inquiry concerning this decision should be directed to Chau T. Nguyen at (571) 272-3126.



Timothy Callahan, TC Director
Technology Center 2400
Network, Multiplexing, Cable and Security



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 12/440,378 | 11/02/2009 | David Richard Cowieson | 1122-001US01 | 2274 |
| 28863 | 7590 | 10/05/2010 | EXAMINER | |
| SHUMAKER & SIEFFERT, P. A. 1625 RADIO DRIVE SUITE 300 WOODBURY, MN 55125 | | | ART UNIT | PAPER NUMBER |
| | | | 1797 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 10/05/2010 | ELECTRONIC |

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pairdocketing@ssiplaw.com



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CST

October 4, 2010

| | | |
|--------------------------|---|--------------------------|
| In re application of | : | DECISION ON REQUEST TO |
| David Richard Cowieson | : | PARTICIPATE IN PATENT |
| Serial No. 12/440,378 | : | PROSECUTION HIGHWAY |
| Filed: November 2, 2009 | : | PILOT PROGRAM AND |
| For: CO-SINTERED POLYMER | : | PETITION TO MAKE SPECIAL |
| STRUCTURES | : | UNDER 37 CFR 1.102(a) |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 10, 2010.

The request and petition are **DISMISSED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UK IPO application with similar claims and the UK IPO priority application;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO application(s);
- (3) Applicant must 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 UK IPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office action from each of the UK IPO application(s) containing the allowable claims that are the basis for the request;
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application)

Application No. 12/440,378

- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH program and petition fail because:

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO application(s);

First, it is noted that while applicant has not provided a copy of the allowable/patentable claim(s) from the UK IPO application(s), it is assumed that the patentable claims GB 0617738.0 were published in UK patent 2,441,528 B. Note, however, that the copy of the office action from the UKIPO of 8 January 2007 indicates that there were 18 claims searched and that the UK patent sets forth 17 claims. Clarification is required.

(3) Applicant must ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s);

Claim 6 of the present application does not appear to sufficiently correspond to patented claim 4 of the UK patent because claim 6 of the present application depends on claim 5 which has been cancelled. Note that claim 4 of the UK patent may depend on any one of the preceding claims. Similarly, claim 8 of the present application depends on claim 7 which has been cancelled.

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 12/440,378 | 11/02/2009 | David Richard Cowieson | 1122-001US01 | 2274 |
| 28863 | 7590 | 11/24/2010 | EXAMINER | |
| SHUMAKER & SIEFFERT, P. A. 1625 RADIO DRIVE SUITE 300 WOODBURY, MN 55125 | | | ART UNIT | PAPER NUMBER |
| | | | 1772 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 11/24/2010 | ELECTRONIC |

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

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pairedocketing@ssiiplaw.com



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CST

November 23, 2010

| | | |
|--------------------------|---|--------------------------|
| In re application of | : | DECISION ON REQUEST TO |
| David Richard Cowieson | : | PARTICIPATE IN PATENT |
| Serial No. 12/440,378 | : | PROSECUTION HIGHWAY |
| Filed: November 2, 2009 | : | PILOT PROGRAM AND |
| For: CO-SINTERED POLYMER | : | PETITION TO MAKE SPECIAL |
| STRUCTURES | : | UNDER 37 CFR 1.102(a) |

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed November 5, 2010.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UK IPO application with similar claims and the UK IPO priority application;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the UK IPO application(s);
- (3) Applicant must 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 UK IPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office action from each of the UK IPO application(s) containing the allowable claims that are the basis for the request; and
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application)

Application No. 12/440,378

- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

24 AUG 2010



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FOX ROTHSCHILD LLP
997 Lenox Drive, Bldg. #3
Lawrenceville NJ 08648

In re Application of :
FRANZEN, et al. :
U.S. Application No.: 12/440,459 : DECISION ON PETITION
PCT No.: PCT/EP2007/007531 :
Int. Filing Date: 29 August 2007 : UNDER 37 CFR 1.59(b)
Priority Date: 07 September 2006 :
Attorney Docket No.: C 3140 PCT/US :
For: METHOD FOR PRODUCING ALKYLENE :
OXIDE ADDITION PRODUCTS :

This decision is in response to applicant's "TRANSMITTAL OF REFILED DOCUMENTS" filed 07 March 2010 in the United States Patent and Trademark Office (USPTO). The response is being treated as a petition to expunge under 37 CFR 1.59(b). As authorized the \$200.00 petition fee will be charged to deposit account number 50-1943.

BACKGROUND

On 29 August 2007, applicant filed international application PCT/EP2007/007531 which claimed priority to an earlier application filed 07 September 2006. Pursuant to 35 U.S.C. 371, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 March 2009.

On 07 March 2009, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by among other items, payment of the requisite basic national fee; a preliminary amendment, Application Data Sheet and the petition discussed herein.

DISCUSSION

A petition under 37 CFR 1.59(b) must contain:

- (1) a clear identification of the information to be expunged without disclosure of the details thereof;
- (2) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
- (3) a commitment on the part of the petitioner to retain such information for the

period of any patent with regard to which such information is submitted;

(4) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;

(5) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b).

Applicant has satisfied items 1 and 5.

Regarding items 2-4, the present request (statement) does not meet the exacting standards detailed above in order to grant applicant's request and have the earlier filed materials expunged from the application.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.59(b) is **DISMISSED** without prejudice.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOX ROTHSCHILD LLP
997 Lenox Drive, Bldg. #3
Lawrenceville NJ 08648

MAILED
APR 06 2011

PCT LEGAL ADMINISTRATION

| | | |
|------------------------------------|---|----------------------|
| In re Application of | : | |
| FRANZEN, et al. | : | |
| U.S. Application No.: 12/440,459 | : | DECISION ON PETITION |
| PCT No.: PCT/EP2007/007531 | : | |
| Int. Filing Date: 29 August 2007 | : | UNDER 37 CFR 1.59(b) |
| Priority Date: 07 September 2006 | : | |
| Attorney Docket No.: C 3140 PCT/US | : | |
| For: METHOD FOR PRODUCING ALKYLENE | : | |
| OXIDE ADDITION PRODUCTS | : | |

This decision is issued in response to applicant's "Supplemental Petition Under 37 CFR 1.59 to Expunge Information Submitted in Incorrect Application" filed 08 September 2010 in the United States Patent and Trademark Office (USPTO). The petition fee has been charged to counsel's deposit account listed in the present petition.

The petition under 37 CFR 1.59 is **GRANTED**.

Upon a showing satisfactory to the Director, information, other than that forming part of the original disclosure, may be expunged from an application. Since the Office can determine the correct application file for which the erroneously filed papers were intended from the other identifying information on the papers, the papers will be removed as requested.

In a paper file, the unintentionally submitted papers could, but necessarily would, have been physically removed from the file wrapper and returned to applicant; in the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents."

Applicant has presently provided guidance as to which documents should be expunged pursuant to 37 CFR 1.59(b) and MPEP section 724.05. It is agreed that it would be appropriate in this instance to close the initially filed preliminary amendment, English translation and other U.S. national stage papers which referenced entry into the national stage for international application PCT/EP2007/007530, and also remove such from the listing publicly available documents for this Image File Wrapper (IFW).

Application Number 12/440,459

2

As a condition of this favorable treatment, petitioner is required to maintain the material in question during the enforceable life of any patent arising from this application, or any patent claiming benefit of this application.

A handwritten signature in black ink, appearing to read 'D.A. Putonen', written in a cursive style.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NOV 21 2011

OFFICE OF PETITIONS

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

In re Application of :
Kazunori Futamura et al :
Application No. 12/440,483 : **DECISION ON PETITION**
Filed: March 9, 2009 : **UNDER 37 CFR 1.313(c)**
Attorney Docket No. 082733 :

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

The petition is **GRANTED**.

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

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

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

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 IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

| | | | |
|-----------------|------------|--------------|---------------|
| Application No: | 12/440,500 | Filing date: | March 9, 2009 |
|-----------------|------------|--------------|---------------|

| | |
|-----------------------|----------------|
| First Named Inventor: | Matthew Walker |
|-----------------------|----------------|

| | |
|-------------------------|--------------------------------------|
| Title of the Invention: | VISUAL CODE TRANSACTION VERIFICATION |
|-------------------------|--------------------------------------|

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/AU2006/02013

The international filing date of the corresponding PCT application(s) is/are: December 31, 2006

I. List of Required Documents:

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

- Is attached.
- 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 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 TransVerif | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/AU2006/002013 | International filing date (<i>day/month/year</i>) 31 December 2006 | Priority date (<i>day/month/year</i>) 7 September 2006 |
| International Patent Classification (IPC) or national classification and IPC | | |
| Int. Cl. G07D 7/12 (2006.01) G06K 9/00 (2006.01) | | |
| Applicant WALKER, Matthew | | |

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 10 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 and/or table related thereto, 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 or industrial applicability; citations and explanations supporting such statement
 - Box No. VI Certain documents cited
 - Box No. VII Certain defects in the international application
 - Box No. VIII Certain observations on the international application

| | |
|--|--|
| Date of submission of the demand 20 September 2007 | Date of completion of this report 01 May 2008 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. +61 2 6283 7999 | Authorized Officer Mani Ramachandran AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. (02) 6283 2233 |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2006/002013

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 translation furnished for the purposes of:

, which is the language of a

 international search (under Rules 12.3(a) and 23.1 (b)) publication of the international application (under Rule 12.4(a)) international preliminary examination (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 as originally filed/furnished

pages* 1-7 received by this Authority on 27 March 2008 with the letter of 25 March 2008

pages* received by this Authority on with the letter of

 the claims:

pages as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 8 received by this Authority on 27 March 2008 with the letter of 25 March 2008

pages* received by this Authority on with the letter of

 the drawings:

pages as originally filed/furnished

pages* 1-2 received by this Authority on 27 March 2008 with the letter of 25 March 2008

pages* received by this Authority on with the letter of

 a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.3. The amendments have resulted in the cancellation of: the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (*specify*): any table(s) related to 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 they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (*specify*): any table(s) related to the sequence listing (*specify*):5. This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to the Authority under Rule 91 (Rule 70.2(e)).

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2006/002013

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 1-5 | YES |
| | Claims | NO |
| Inventive step (IS) | Claims 1-5 | YES |
| | Claims | NO |
| Industrial applicability (IA) | Claims 1-5 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

CLAIMS 1-5:

The invention of the amended claims is a method of visual code transaction verification wherein a dynamic visual code is generated as a combination of elongated segments. A first electronic application generates a dynamic visual code using a string of characters with elongated segments. This is then combined with a randomly generated set of elongated segments to create a second pattern of elongated segments obfuscating the dynamic visual code. A transparent window with a first pattern of elongated segments is then superimposed on the electronic application's second pattern and correctly aligned to reveal the original dynamic visual code.

No individual citation or obvious combination of citations disclose a visual code transaction verification method using matching dynamically generated elongated character segments.

The closest prior art of:

- US 6249588 B1 (AMIDROUR et al) 19 June 2001
- WO 1999/026793 A1 (SECURENCY PTY LTD) 3 June 1999
- US 4921278 A (SHIANG et al) 1 May 1990

talk about authorisation obtained by combining correctly aligned security markings or moire patterns, but none of them disclose the feature of using a random pattern of segments in the process of generating a dynamic visual code.

Description

VISUAL CODE TRANSACTION VERIFICATION

Detailed Description

- [1] The present invention relates to a method of generating a humanly readable visual code of characters for use as a one time visual code, comprising a transparent window, with elongated segment pattern thereon, correctly superimposed over a second proportionally similar electronically synchronized elongated segment pattern. This generated visual code effect is intended for use in electronic transaction verification.
- [2] The method is enabled through a variety of different embodiments. One such embodiment being a conventional plastic identification card (20) with pre-recorded elongated segments printed on a transparent section in a uniformly random grid pattern (21). The transparent section can be placed in any location on the card and be of variable size to suit the dimensions of the pattern used.
- [3] The user identifies himself to the server application which locates that users pre-recorded printed pattern and is then able to generate a synchronized pattern image (22) using that information. When the user's identification card transparent segmented pattern is correctly superimposed over this generated synchronized pattern image a specific humanly readable visual code of characters (25) becomes apparent to the user. This visual code of characters can be used as a one time password for secure transaction verification.
- [4] The user's segmented pattern is digitally recorded at the time of manufacture and stored on a secure authenticating server connected to a network. The generation of both the user's segmented pattern and synchronized pattern is done under certain conditions. The successful comprehension of the visual code requires that the uniformly random segments that make up the user's pattern be displayed in a somewhat evenly distributed fashion for maximum flexibility of possible character generation and to avoid the generation of false characters or obstructing identification of visual characters. The synchronized segmented pattern image is seeded with false segmented patterns designed to make visual analysis of the individual patterns more difficult while still displaying the correct visual code of characters to the user through a combination of the electronically displayed segments correctly superimposed with the users transparent card segments. The segmented pattern generation application primarily balances user readability and ease of visual alignment with the need for security against visual analysis.
- [5] A grid pattern (1) with a variable number of rows and columns made of elongated segments, is used as a baseline alignment pattern for the visual code effect to be created. While the basic grid pattern (1) enables seven segment display characters to be generated anywhere within a seven segment section, by adding alternating elongated diagonal segments between the vertical and horizontal segments (2) enables the

method to produce more complex fourteen segment display characters. These individual segments can be either dark, light, transparent, coloured or shaded in more complex versions of the same method. Each individual segment can be either darkened or transparent on the user's card or can be dark or light on the synchronized generated electronic display image. The size and proportions of the segmented baseline grid must be roughly the same dimensions for both segmented patterns, the electronic displayed pattern of which can be adjusted through simple graphic manipulation. More complex visual patterns can utilize shaded segments which when superimposed with other shaded segments produce stronger visual character segments while providing more pattern noise for added complexity and protection against pattern analysis, a similar property can be utilized with various coloured segments and unique colour mixing effects.

- [6] The individual horizontal and vertical segments can be of varying length, width height as long as both synchronized patterns are similarly proportioned with one another. The dimensions are easily adjustable according to the user ease of visibility, readability, contrast, background light and ease of physical alignment over various electronic screen resolutions and screen surfaces. Different resolutions of various electronic screens displaying the generated pattern provide a challenge with relation to displaying a synchronized pattern image with a similar proportional dimension to the user's card pattern to facilitate correct superimposed alignment of character segments. Most online computer screen browsers, the preferred screen medium, provide simple detection scripts for screen resolution and easy image dimension adjustment. These dimension settings once detected can be stored for future use by the browser. The simple segmented character style of the visual code combined with the surrounding areas of negative space assist user readability and character comprehension despite possible slight variation between user and electronic screen segmented pattern dimensions and resolution.
- [7] The number of rows and columns on both the user's segmented pattern and the software generated pattern can be increased according to the intended number of visual code characters to be visually generated for the user. The number of possible pattern combinations increases with larger numbers of rows and columns (36) allowing greater possible placement options for code characters. The electronically displayed synchronized pattern is able to include more rows and columns than the user's pattern by using a common alignment symbol printed (31) generated proportionally adjacent (35) to the segmented patterns to correctly align the user's transparent window (32) over the relevant section of generated pattern image. This symbol can be any simple shape which is easy to visually align. By including extra rows or columns the synchronized pattern which becomes more complex also increases the difficulty of pattern analysis attacks without compromising the visual code of characters to be apparent to the user.
- [8] The authentication application can be either software or hardware electronics and

operates on the network between the users electronic display, electronic character input device and the secure server storing the electronic representations of the users unique transparent segmented pattern. It should be able to generate a string of characters, generate a dynamic visual representation of the generated string of characters in segmented pattern form, generate a random set of elongated segments, electronically combine segmented patterns both stored and generated and identify visual characters based on an easily identifiable by people set of characters composed of elongated segments, modify generated segmented patterns to conform to the identifiable segmented character patterns, verifying or invalidating a transaction based on the users manually entered code string matching with the transaction authentication code.

[9] The synchronized pattern (22 and 36) which creates the visual character effect (25,39,48) can be generated through a variety of methods.

[10] One such simple method is to generate a random pattern of segments, in which a uniform density of segments creates a high probability of random characters being created without any predetermination on the part of the application when the user's transparent pattern is superimposed. The software or electronic authentication application can electronically combine both the generated random pattern with the user's transparent pattern and identify visual characters within it based on an easily identifiable by people set of characters composed of elongated segments. An electronic display then shows the generated random pattern to the user and the user identified visual characters become the transaction authentication code.

[11] Another method is for the authentication application to generate a string of characters for eventual identification by the user as a verification code. The authentication application then electronically combines the users transparent pattern with a generated random segment pattern and then electronically adding segments to the random segment pattern to strategically create the visual segmented representations of the string of characters according to an easily identifiable by people set of characters composed of elongated segments. The modified random segment pattern then has any obstructing segments which may create unintentional visual characters removed and is shown on an electronic display to the user whereby the visually identifiable segmented string of characters becomes the transaction authentication code.

[12] If the pre-recorded segment pattern on the user's card is incorrect, superimposing it with the software generated segmented display image will present unreadable or incorrect characters and the subsequent user entered character string as transaction verification code will be incorrect. The transaction verification code as a character string can be entered by the user into the electronic character input device which then transmits the code for transaction verification back to the authentication application which initially generated the synchronized pattern. This method can be performed on local or internet connected devices such as computers, laptops, personal digital assistants and mobile phones. Transmission of the synchronized segment pattern and

resulting visual code could be sent by SMS on a mobile phone if a wireless internet connection is not available.

[13] The method can be used by requesting that the user flip their card horizontally, vertically or that they rotate their card pattern 90, 180 or 270 degrees thereby increasing the possible number of segment pattern combinations.

[14] Synchronized segmented patterns can be depicted as an animated series of patterns which reveals the correct visual code to the user at a specific point in time.

[15] A further variation of the invention includes a sliding protective panel which covers the user's transparent optical pattern when it is not in use to protect against optical recording.

Background Art

[16] The increasing use of transaction verification throughout the world is most visibly exhibited in the credit card or other card payment systems being used commonly in grocery stores, universities and more increasingly, internet websites. The prevalent problem with remote payment card systems has been remote transaction verification. The primary method of transaction verification security uses the user's signature which is often signed onto the sales receipt. Apart from being relatively easy to forge, the signature system does not adapt itself to modern remote electronic medium, such as the internet. An early verification method involved a basic Luhn algorithm to generate each unique card number in a non sequential manner which is then verified by testing against the algorithm. It is not intended to be cryptographically secure; it protects against accidental error, not malicious attack. This basic method of verification became increasingly invalid with the advent of the internet, as fraud increased and details of the algorithm became widespread. Today, half of all credit card fraud is conducted online. In response to this widespread fraud, credit card companies have implemented a static CVV (Card Verification Value) number printed on the back or front of cards at time of issue. The CVV, usually a 3 or 4 digit number, is required to be entered at the time of transaction, particularly with online payment. The disadvantage of the CVV number system is that many modern credit card fraud systems use card details including static CVV numbers gained from hacking online shopping payment databases, phishing techniques or screen and keylogging programs installed on the victim's computer system. Obviously, the major drawback to the CVV number system is the static nature of the printed numbers which mean once the card details are compromised the victim can easily be defrauded repeatedly. Furthermore, the simple static nature of the CVV number system method offers little proof that the remote user actually has the physical card in their possession as this simple 3 or 4 digit number can easily be shared alongside other card details. In response to this weak security method some banks have begun issuing members with a one-time password generating electronic device or hardware tokens. These devices have a small screen and button which, when pressed, generates a one time dynamically changing password using

encrypted secret key programming, changing the password code every minute or so. The disadvantages of this system are the enormous expense of buying and issuing these electronic devices which must be secured from the factory of manufacture, battery maintenance, electronic fragility, inability to carry inside conventional wallets, separation from required membership card, and internal clock synchronization necessary with remote server. Smart Card technology has also been proposed as a secure method. This method has not become widely used, however, due to the issues of remote infrastructure cost and availability, electronic cloning, cost of cards with integrated circuits and fragility of those circuits when in day to day use. Proximity cards used as a payment system in some transportation services have also been proposed. Apart from suffering from the same problems as smart card systems they also have the added security issue of a potential unauthorized third party cloning or charging the card at a distance. The essence of the current problem is the need for a secure one time dynamically manipulatable password transaction verification system without the associated remote infrastructure costs and electronic security vulnerabilities.

Disclosure of Invention

Technical Problem

- [17] Remote transaction verification without the need for specialized remote electronic security hardware and infrastructure while providing security against modern electronic phishing, keylogging or electronic eavesdropping techniques.

Technical Solution

- [18] By using this invention method, transaction verification can be performed by generating a remote dynamic visual code for use as a one time password solution over any network enabled device with a suitable electronic display such as personal computer, laptop, digital assistants, mobile phones without using specialized remote security infrastructure or electronic devices. Security is provided by separating the optical visual code into unidentifiable segmented patterns with the users card segmented pattern not accessible from the network requesting the transaction verification, this defeats most electronic phishing, keylogging or electronic eavesdropping techniques. The dynamic visual code effect is only apparent to the user when both segmented patterns are physically superimposed correctly and can be modified by manipulating the electronically displayed segment pattern.

Advantageous Effects

- [19] Creates dynamic remote visual codes using a static pattern without the use of specialized remote electronics, infrastructure, tables or any mechanical parts on the cards.

Description of Drawings

- [20] Although the invention will be described in terms of a specific embodiment as shown in the drawings, it will be readily apparent to those skilled in the art that additional modifications, rearrangements and substitutions can be made without departing from the spirit of the invention. Please note that for the purpose of clear il-

illustration none of the diagram patterns depict semi-transparent shading techniques. Please note that while the number of rows in the depicted patterns should be at least 3 and the number of columns should be at least 2, the possible number of rows and columns is variable according to the number of characters generated and security required.

- [21] FIG.1 is a pictorial view showing a basic elongated segment grid pattern **1** with all possible segments filled.
- [22] FIG.1A is a pictorial view showing a more complex elongated segment grid pattern **2** with diagonal elongated segments capable of depicting 14 segment characters.
- [23] FIG.2 is a pictorial view of an opaque conventional plastic membership card **20** with a transparent window and an example of a static elongated segment pattern printed **21** thereon.
- [24] FIG.2A is a pictorial view of a synchronized elongated segment image pattern **22** as shown on a typical electronic display.
- [25] FIG.2B is a pictorial view of a conventional plastic membership card **20** with its transparent segment pattern superimposed over a synchronized segment pattern revealing a 3 digit segmented visual code **25**.
- [26] FIG.3 is a pictorial view of a conventional plastic membership card **30** with a transparent window and a static elongated segment pattern printed **32** thereon. A proportionally adjacent alignment marker **31** is printed to the left.
- [27] FIG.3A is a pictorial view illustrating a synchronized screen generated image pattern **36** which is larger proportioned than the user's synchronized transparent card pattern **30** so as to induce a larger amount of obfuscation pattern security into the screen generated pattern. A proportionally correct alignment marker image **35** is generated adjacent with the synchronized segment pattern **36** to conform with the known proportional relationship between the user's alignment marker **31** and its transparent card pattern **32**.
- [28] FIG.3B is a pictorial view of a conventional plastic membership card **30** showing its alignment marker **31** superimposed over a proportionally correct alignment marker image **35**, this correctly aligns the adjacent transparent printed segment pattern which is superimposed over a larger synchronized segment pattern revealing a 4 digit segmented visual code **39**.
- [29] FIG.4 is a pictorial view of a user superimposing a plastic identification card **45** with transparent segmented pattern over a conventional liquid crystal computer display **40** showing a synchronized segment pattern **44** specifically generated for that user.
- [30] FIG.4A is an enlarged pictorial view of the superimposed segment patterns **44** showing the 3 digit numerical visual code **48** apparent to the user.

Mode for Invention

- [31] The best form of the invention is the conventional plastic identification card (**45**) with the elongated segment pattern printed across a transparent window thereon (**44**).

The card is then superimposed over an ordinary internet connected computer display (40) showing a second elongated segment pattern synchronized with the user's pre-recorded printed card pattern stored on a secure database. This superimposition will present a readable visual code (48) to the user which is then manually entered by the user into the internet connected computer to confirm a transaction such as logging onto a secure website or authorizing an online payment.

Industrial Applicability

[32] Can be used in all transaction verification systems such as verifying electronic cash payments for payment cards as well as verifying remote identification membership cards.

Claims

- [1] A method of generating a dynamic visual code as a combination of elongated segments, which consists of a transparent window with a first pattern of elongated segments printed on it, and an authentication application, and the said authentication application generates a string of characters, and the said authentication application generates a dynamic visual code representing the generated string of characters with elongated segments, and the said authentication application generates a random set of elongated segments, and the said authentication application combines those of the randomly generated elongated segments with said dynamic visual code to produce a second pattern of elongated segments, and an electronic display showing to the user the second pattern of elongated segments, which reveals the dynamic visual code when the first pattern is superimposed with it and correctly aligned.
- [2] A method of generating a dynamic visual code as described in claim 1, where the said authentication application removes some of the elongated segments of the second pattern, which obstruct human comprehension of the dynamic visual code.
- [3] A method of generating a dynamic visual code of characters drawn as a combination of elongated segments as described in claim 1, which also includes a first visual marker symbol, and a second visual marker symbol, and where the first visual marker symbol is displayed proportionally adjacent to the elongated segments on the first pattern, and where the second visual marker symbol is printed on the transparent window, and in which the user matches the first visual marker with the second visual marker during superimposition.
- [4] A method of generating a dynamic visual code according to all the previous claims, in which the elongated segments are depicted with specific shading of individual segments.
- [5] A method of generating a dynamic visual code according to all the previous claims, in which the second pattern of elongated segments is animated behind the first pattern of elongated segments, and where the visual code of characters is revealed to the user at a set point in time.

FIG.1

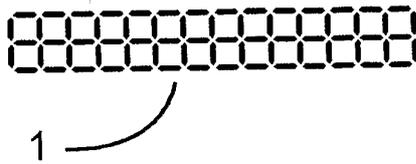


FIG.1A

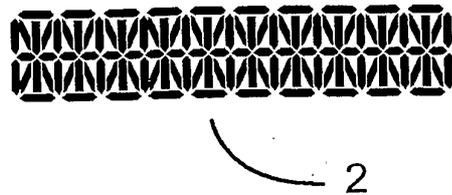


FIG.2

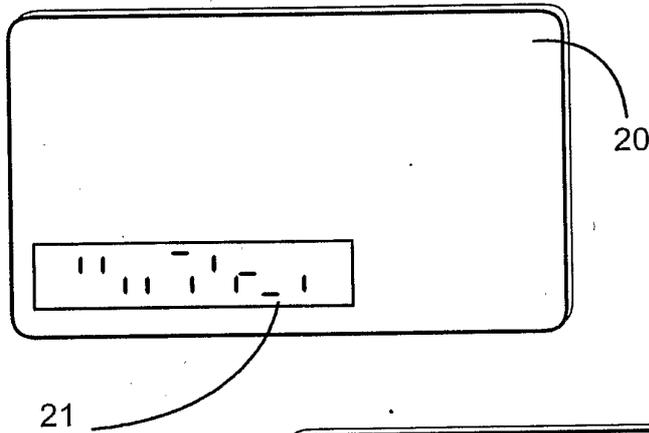


FIG.2A

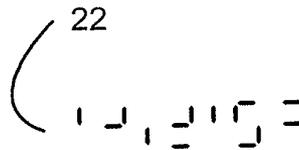


FIG.2B

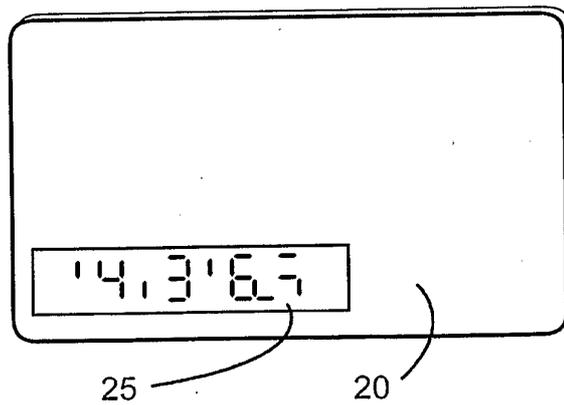


FIG.3

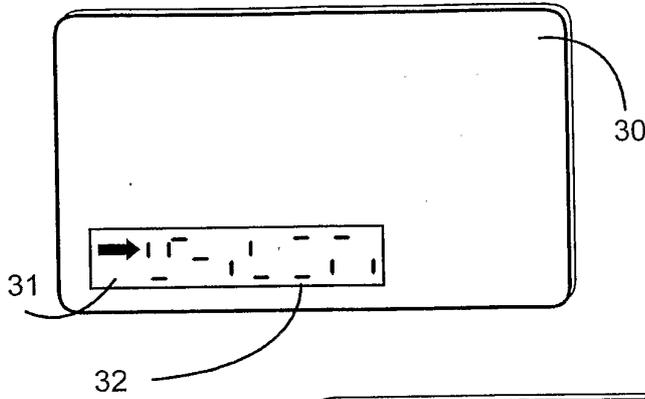


FIG.3A

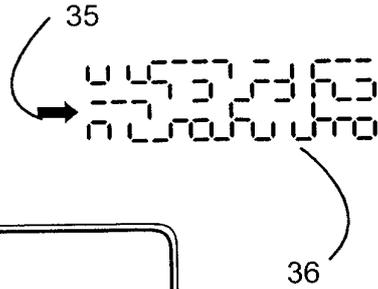


FIG.3B

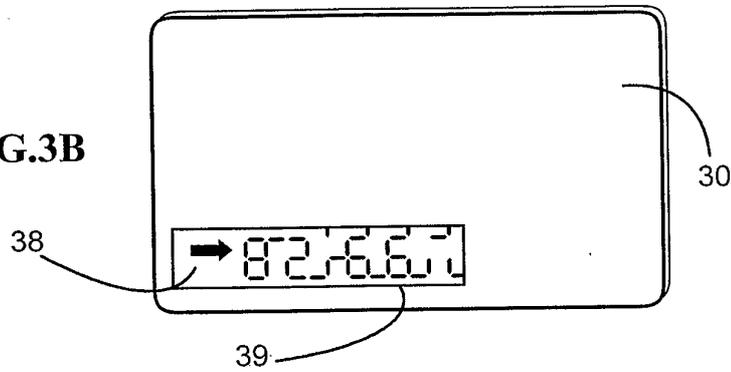


FIG.4

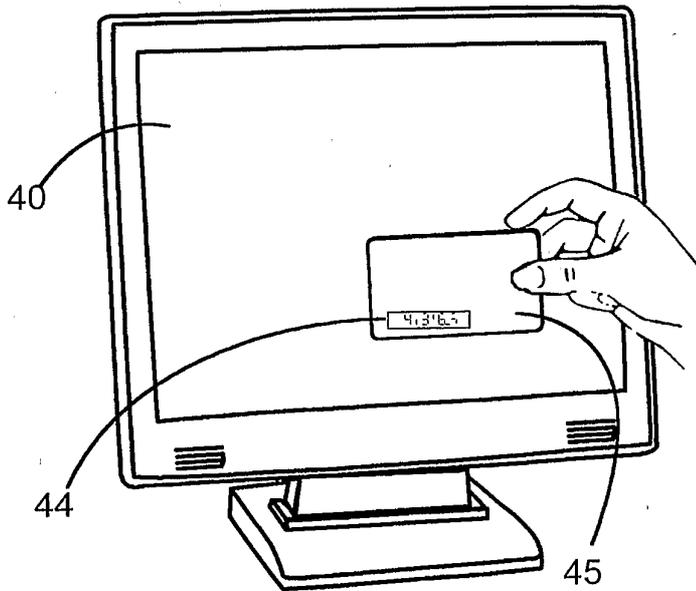
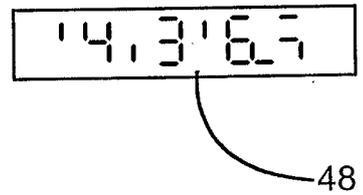


FIG.4A





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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. |
|--|-------------|----------------------|---------------------|------------------|
| 12/440,500 | 03/09/2009 | Matthew Walker | ABL0101PUSA | 3511 |
| 22045 | 7590 | 03/22/2011 | EXAMINER | |
| BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075 | | | HAUPT, KRISTY A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2876 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 03/22/2011 | PAPER |

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

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



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Alexandria, VA 22313-1450
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**BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075**

In re Application of

Matthew WALKER

Application No.: 12/440,500

Filed: 09 March 2009

Attorney Docket No.: ABLR0101PUSA

**For: VISUAL CODE TRANSACTION
VERIFICATION**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 10 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

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

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

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

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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


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



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P.O. Box 1450
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Thomas F. Bergert
c/o WILLIAMS MULLEN IP docketing
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re application of :
Edwards James Tapscott :
Serial No. 12/440,518 :
Filed: March 9, 2009 :
For: **AUTOMATED BRAILLE INSERTER** :
DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND
PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 12, 2011.

The request and petition are **DISMISSED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
- (3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s); and
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all of the Office actions from each of the IPAU application(s);
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the IPAU examiner in the IPAU Office action(s) (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The instant petition identified the corresponding IPAU application number 2007295947. However, all the claims and Office actions provided pertain to PCT/AU2007/001352. The relationship of application 2007295947 to the above PCT application is not clear. Accordingly, the instant request is not considered to have met condition (1-6).

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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>.


for David Bucci RAMESH KRISHNAMURTHY
Petitions Examiner
Office of Petitions

23 SEP 2010



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P.O. Box 1450
Alexandria, VA 22313-1450
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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of :
LOMMEL et al. :
Serial No.: 12/440,523 : DECISION ON
PCT No.: PCT/EP07/07939 :
Int. Filing Date: 12 September 2007 : DECLARATION
Priority Date: 27 September 2006 :
Attorney's Docket No.: AEG-44718 :
For: COOKING APPLIANCE :

This is a decision on applicants' submission under 35 U.S.C. 371, filed in response to a Notification of Defective Response on 13 May 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 November 2009, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty-month period, was required.

On 04 May 2010, in response to the Notification of Missing Requirements, applicant filed five separate declarations executed by the inventors.

On 13 May 2010, a Notification of Defective Response was mailed to applicant indicating that the declarations did not comply with 37 CFR 1.497(a) and (b) because "Corrections/Changes were made to the oath dated 05-04-2010. However, the inventor did not initial and date the changes. Please clarify." Applicant was given one month from the mail date of the Notification within which to reply, or the time remaining in the Notification of Missing Requirements.

On 14 June 2010, applicant filed the instant response.

DISCUSSION

The declarations submitted on 04 May 2010 contained alterations with respect to the addresses of inventors Diane Lommel, Britta Burlin and Arran Allsebrook altering the declaration. The addresses for inventors Lommel and Burlin were stricken through and Arran Allsebrook amended his postal address; these changes are considered an alteration. The USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed

and dated by the applicants prior to execution of the oath or declaration. *The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.* Therefore, the declaration of Una L. Lauricia does not cause the declaration to be acceptable. A new acceptable oath or declaration(s) executed by the inventors Diane Lommel, Britta Burlin and Arran Allsebrook is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

For the reasons set forth above, the declarations executed by inventors Diane Lommel, Britta Burlin and Arran Allsebrook submitted on 04 May 2010 are unacceptable as filed. A new declaration(s) executed by the inventors Diane Lommel, Britta Burlin and Arran Allsebrook is required to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within TWO (2) MONTHS from the mail date of this Decision.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459



MAILED

JAN 25 2011

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

PCT LEGAL ADMINISTRATION

| | | |
|-------------------------------------|---|-------------|
| In re Application of | : | |
| LOMMEL et al. | : | |
| Serial No.: 12/440,523 | : | DECISION ON |
| PCT No.: PCT/EP07/07939 | : | |
| Int. Filing Date: 12 September 2007 | : | DECLARATION |
| Priority Date: 27 September 2006 | : | |
| Attorney's Docket No.: AEG-44718 | : | |
| For: COOKING APPLIANCE | : | |

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 22 November 2010 in the United States Patent and Trademark Office (USPTO) in response to a decision mailed on 23 September 2010.

BACKGROUND

On 05 November 2009, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty-month period, was required.

On 04 May 2010, in response to the Notification of Missing Requirements, applicant filed five separate declarations executed by the inventors.

On 13 May 2010, a Notification of Defective Response was mailed to applicant indicating that the declarations did not comply with 37 CFR 1.497(a) and (b) because "Corrections/Changes were made to the oath dated 05-04-2010. However, the inventor did not initial and date the changes. Please clarify." Applicant was given one month from the mail date of the Notification within which to reply, or the time remaining in the Notification of Missing Requirements.

On 14 June 2010, applicant filed a response. On 23 September 2010, a decision was mailed indicating that the USPTO does not accept an oath or declaration which has been altered. The declarations submitted on 04 May 2010 contained alterations with respect to the addresses of inventors Diane Lommel, Britta Burlin and Arran Allsebrook altering the declaration.

DISCUSSION

Applicant filed newly executed declaration(s) executed by the inventors Diane Lommel, Britta Burlin and Arran Allsebrook to satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

CONCLUSION

For the reasons set forth above, the declarations submitted on 22 November 2010 and executed by inventors Diane Lommel, Britta Burlin and Arran Allsebrook are acceptable as

Application No.: 12/440,523

2

filed and satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 22 November 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459



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HOFFMAN WARNICK LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207

MAILED

FEB 18 2011

OFFICE OF PETITIONS

In re Application of :
Qionghua Shen, et al. :
Application No. 12/440,603 : DECISION GRANTING PETITION
Filed: March 10, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. STAR-0012-US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 16, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application is being referred to Technology Center AU 1766 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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

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

27 SEP 2010



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

Stites & Harbison PLLC
401 Commerce Street
Suite 800
Nashville TN 37219

In re Application of :
OSTROVSKII et al. :
U.S. Application No.: 12/440,632 :
PCT No.: PCT/US2007/078168 : DECISION ON PETITION
Int. Filing Date: 11 September 2007 : UNDER 37 CFR 1.47(a)
Priority Date: 11 September 2006 :
Attorney Docket No.:11636N/3500US :
For: MULTIDOMAIN PLATE ACOUSTIC :
WAVE DEVICES :

In a decision mailed by this Office on 30 June 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition.

On 11 August 2010, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Richard S. Myers, with accompanying documents, which provides the required firsthand evidence that the nonsigning inventor (Andriy Nadtochiy) could not be reached after diligent effort. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor, Andriy Nadtochiy.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.


Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298

27 SEP 2010



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

Andriy Nadtochiy
801 Frontage Road, Apartment 311
Oxford, Mississippi 38655

In re Application of
OSTROVSKII et al.
U.S. Application No.: 12/440,632
PCT No.: PCT/US2007/078168
Int. Filing Date: 11 September 2007
Priority Date: 11 September 2006
Attorney Docket No.: 11636N/3500US
For: MULTIDOMAIN PLATE ACOUSTIC WAVE DEVICES

Dear Andriy Nadtochiy:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in black ink, appearing to read "Anthony Smith".

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Stites & Harbison PLLC
401 Commerce Street
Suite 800
Nashville TN 37219

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q112504

Kan SAITO, et al.

Appln. No.: 12/440,639

Group Art Unit: 2612

Confirmation No.: 5139

Examiner: BENJAMIN C LEE

Filed: March 10, 2009

For: ACCELERATOR LEVEL DISPLAY DEVICE AND ACCELERATOR LEVEL
DISPLAY METHOD

PETITION UNDER § 37 CFR 1.102

PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN

MAIL STOP PETITION

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

Sir:

In accord with the Patent Application Backlog Reduction Program, this petition under 37 C.F.R. § 1.102 is submitted to request for special status of U.S. Application 12/440,639 on the basis that a copending application has been abandoned.

All of the requirements set forth in (i) the June 24, 2010 Federal Register notice titled "Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan" and (ii) the November 27, 2009 Federal Register notice titled "Patent Application Backlog Reduction Stimulus Plan", are met as follows:

- I. U.S. Application 12/440,639 is a nonprovisional application filed in the U.S. on March 10, 2009, and thus, has an actual filing date earlier than October 1, 2009.
- II. Copending U.S. Application 12/354,390 contains an executed declaration and is complete in accord with 37 C.F.R. § 1.53 (filing fee, search fee, examination fee, claims and size fees paid).
- III. U.S. Application 12/440,639 and copending U.S. Application 12/354,390 were assigned to Toyota Jidosha Kabushiki Kaisha as of October 1, 2009.

PETITION TO REINSTATE FILING DATE
U.S. Application No.: 12/440,639

Attorney Docket No.: Q112504

IV. An express abandonment under 37 C.F.R. § 1.138(a) was filed in U.S. Application 12/354,390 before it was taken up for examination and the express abandonment of this application has not been used as a basis for any other petition under 37 C.F.R. § 1.102.

V. The express abandonment included: a statement that the application will not file an application that claims the benefit of U.S. Application 12/354,390; a statement that the applicant will not request a refund of any fees paid in the abandoned application; and a statement that the Applicant has not and will not file a new application that claims the same invention as the abandoned application.

VI. A copy of the letter of express abandonment and the statements made therein are attached to this petition.

VII. The Applicant certifies that it has not filed petitions in more than 14 other applications requesting special status under this program.

VIII. The 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.

IX. No fee to consider the petition to make special is submitted herewith as this fee is waived under the Patent Application Backlog Reduction Stimulus Plan.

Respectfully submitted,

/David P. Emery/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

David P. Emery
Registration No. 55,154

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 30, 2010



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

MAILED
NOV 03 2010
OFFICE OF PETITIONS

In re Application of :
SAITO, et al. :
Application No. 12/440,639 :
Filed: March 10, 2009 :
Attorney Docket No. **Q112504** :

**DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102**

This is a decision on the petition under 37 CFR 1.102, filed September 30, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

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

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

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

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

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

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

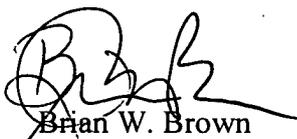
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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

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

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

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


Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 08 2012

PCT LEGAL ADMINISTRATION

Wilson, Sonsini, Goodrich & Rosati
650 Page Mill Road
Palo Alto CA 94304-1050

In re Application of :
PERIL et al. : DECISION ON PETITION
U.S. Application No. 12/440,722 : UNDER 37 CFR 1.78(a)
371(c) Date: February 05, 2010 :
Attorney Docket No. 29511-726.831 :
For: PHOTO-MASK AND WAFER IMAGE
RECONSTRUCTION

This decision is in response to "Petition under 37 CFR 1.78(a)(6) to Accept an Unintentionally Delayed Priority Claim under 35 U.S.C. 119(e) for the Benefit of a Prior Application" filed February 13, 2012, 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 DISMISSED AS MOOT.

A petition under 37 CFR § 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.

The current procedure where a claim for priority under 37 CFR §1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear in the national stage application papers within the time period under 37 CFR 1.78(a)(5)(ii) and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR §1.78(a)(5)(ii). However, on the other hand, if the USPTO does not note the claim for priority to the prior-filed application(s), a petition will be required to accept a late claim for priority under 37 CFR §1.78(a)(6).¹ In the instant case, the Office noted the claim for priority of the prior-filed application as shown by its inclusion on the filing receipt.

¹ Note MPEP 201.11 (III)(D).

In view of the dismissal of the instant petition as moot, the \$1410 fee will be refunded to counsel Deposit Account.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. This matter is being referred to the appropriate Technology Center for examination in due course.



Boris Milef
Legal Examiner
Office of PCT Legal Administration

- 7 SEP 2010

United States Patent and Trademark Office



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P.O. Box 1450
Alexandria, VA 22313-1450
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GREGORY W. O'CONNOR
4701 HOMESTEAD
LITTLETON CO 80123

In re Application of :
Fleck :
Application No.: 12/440,726 : DECISION
PCT No.: PCT/US2007/078155 :
Int. Filing Date: 11 September 2007 : ON
Priority Date: 11 September 2006 :
Attorney Docket No.: P-JF-11US : PETITION
For: Method Of Covering A Wheel, Such As A Long :
Haul Tractor-Trailer. Truck Or Bus For Decoration, :
Streamlining, Or Advertising Display, And A Flex...:

The petition to revive under 37 CFR 1.137(b) filed on 01 October 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b). The processing will also include the correction of the electronic records of the USPTO (PALM) to reflect the pending (not abandoned) status of the application.

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



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MAY 05 2011

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PCT LEGAL ADMINISTRATION

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of : DECISION
POLLANEN et al. :
Application No.: 12/440,769 :
PCT No.: PCT/FI2007/050481 :
Int. Filing Date: 11 September 2007 :
Priority Date: 12 September 2006 :
Attorney Docket No.: 07510.0233USWO :
For: FLOW METER :

This decision is in response to applicants' "REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR § 1.48(a)" filed 04 January 2010, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 11 September 2007, applicants filed international application PCT/FI2007/050481, which designated the United States and claimed a priority date of 12 September 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 March 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 March 2009.

On 11 March 2009, applicants filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 02 June 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 June 2009, applicants filed, *inter alia*, a declaration of inventors.

On 30 October 2009, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating that the declaration of inventors filed 23 June 2009 did not identify the same inventive entity as indicated in the international application in that the declaration included two additional inventors—Jari Pollanen and Petri Heikkinen.

On 04 January 2010, applicants filed the instant petition requesting that Jari Pollanen and Petri Heikkinen be added as inventors. The petition was accompanied by a petition/fee for a five-month extension of time, a statement from each of the additional inventors, a consent of assignee statement, and a statement under 37 CFR 3.73(b). The petition has properly been treated as a petition under 37 CFR 1.497(d).

DISCUSSION

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92^{bis} subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in Sec. 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1) and (3) have been satisfied. Item (4) is not required. As to item (2), the petition fee of \$130 has been charged to Deposit Account 13-2725.

The declaration of inventors filed 23 June 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Pekka Rouhiainen, Jari Pollanen, and Petri Heikkinen as inventors.

/Daniel Stemmer/
Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration; Telephone: (571) 272-3301



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/440,780 | 08/24/2009 | Seung W. Chu | LGCHEM 3.3-087 | 6568 |
| 86765 | 7590 | 07/13/2011 | EXAMINER | |
| LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090 | | | THOMAS, BRENT C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1726 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 07/13/2011 | 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):

eOfficeAction@ldlkm.com



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WG

July 12, 2011

| | | |
|---------------------------|---|--------------------------|
| In re application of | : | DECISION ON REQUEST TO |
| Seung Chu et al. | : | PARTICIPATE IN PATENT |
| Serial No. 12/440,780 | : | PROSECUTION HIGHWAY |
| Filed: August 24, 2009 | : | PROGRAM AND |
| For: SECONDARY BATTERY OF | : | PETITION TO MAKE SPECIAL |
| IMPROVED HIGH-RATE | : | UNDER 37 CFR 1.102(a) |
| DISCHARGING PROPERTIES | : | |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed June 17, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KIPO application(s);
 - 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;

Application No. 12/440,780

(5) Applicant must submit a copy of:

- a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;
- b. An English language translation of the KIPO Office actions from (5)(a) above; and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

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

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

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

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

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

Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700



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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

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MAR 21 2012

OFFICE OF PETITIONS

In re Application of :
Ren, et al. :
Application No. 12/440,792 : ON PETITION
Filed: March 11, 2009 :
Attorney Docket No. NANJ.6354-NY :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2012, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned November 24, 2011 for failure to timely submit a proper reply to the final Office action mailed August 23, 2011. The final Office action set a three month shortened statutory period of time for reply. This decision precedes Notice of Abandonment.

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

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

This application is being referred to Technology Center AU-1627 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



10 SEP 2010

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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MOLEX INCORPORATED
2222 WELLINGTON COURT
LISLE, IL 60532

In re Application of HIRATA et al :
U.S. Application No.: 12/440,798 :
PCT Application No.: PCT/US2007/019694 : DECISION
Int. Filing Date: 11 September 2007 :
Priority Date Claimed: 11 September 2006 :
Attorney Docket No.: A7-124 US :
For: STACKED FPC CONNECTOR :

This is in response to applicant's second renewed petition under 37 CFR 1.497(d) filed 20 July 2010.

BACKGROUND

On 11 September 2007, applicant filed international application PCT/US2007/019694, which claimed priority of an earlier Japan application filed 11 September 2006. The thirty-month period for paying the basic national fee in the United States expired on 11 March 2009.

On 11 March 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 September 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 25 January 2010, applicant filed a petition under 37 CFR 1.497(d) along with an executed declaration.

On 18 February 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 25 January 2010 was improper.

On 24 February 2010, applicant filed new declarations.

On 26 March 2010, this Office mailed a decision dismissing the 25 January 2010 petition.

On 07 April 2010, applicant filed a renewed petition under 37 CFR 1.497(d).

On 26 May 2010, this Office mailed a decision dismissing the 07 April 2010 petition.

On 20 July 2010, applicant filed the instant second renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Cong Li should be added as an inventor.

37 CFR 1.497(d) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner previously submitted the requirements for a successful petition under 37 CFR 1.497(d), and the renewed petition is accompanied by a declaration in compliance with 37 CFR 1.497(a).

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 11 September 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 July 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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MAY 04 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
HOOKER et al. : DECISION
Application No.: 12/440,799 :
PCT No.: PCT/GB2007/003435 :
Int. Filing Date: 11 September 2007 :
Priority Date: 12 September 2006 :
Attorney's Docket No.: ARC-117-689 :
For: CHARGED PARTICLE ACCELERATOR AND :
RADIATION SOURCE :

This decision is in response to applicants' submission filed 23 December 2009, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 11 September 2007, applicants filed international application PCT/GB2007/003435 which designated the U.S. and claimed a priority date of 12 September 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 March 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 March 2009.

On 11 March 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 02 June 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicants must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

On 10 November 2009, applicants filed, *inter alia*, a declaration of inventors.

On 02 December 2009, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed

10 November 2009 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in the name of the last inventor between the declaration (Wim Pieter LEEMANS) and the published international application (Wim Pieter David LEEMANS).

On 23 December 2009, applicants filed the instant petition under 37 CFR 1.181 including an explanation of the difference in the name of the last inventor.

DISCUSSION

The submission filed 23 December 2009 concerning the name of the last inventor includes a statement by the inventor explaining that the name on the declaration is accurate and that the name on the international application is inaccurate. The statement also indicates that the error occurred without any deceptive intent. This explanation of the difference in names between the international application and the declaration of inventors is accepted and noted for the record.

Declaration of Inventors

The declaration of inventors filed 10 November 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

A new ADS indicating the correct name of inventor Wim Pieter LEEMANS is required.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



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**CHOATE, HALL & STEWART/CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110**

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NOV 26 2010

OFFICE OF PETITIONS

In re Application of
Alan POTTS
Application No. 12/440,901
Filed: March 11, 2009
Attorney Docket No. 2006982-0025

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

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

The request is **NOT APPROVED**.

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

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

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

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

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



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GANZ LAW, P.C.
P O BOX 2200
HILLSBORO OR 97123

MAILED
SEP 20 2011
OFFICE OF PETITIONS

In re Application of: :
Yong Tak Lee et al :
Application No. 12/440,916 :
Filed: May 29, 2009 :
Attorney Docket No. GRI-2.016.PCT.US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 6, 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. 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 Technology Center 2883.

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



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DENNISON, SCHULTZ
& MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
Gabler, et al. : DECISION ON PETITION
Application No. 12/440,978 :
Filed/Deposited: 12 March, 2009 :
Attorney Docket No. 09007 :

This is a decision on the petition filed on 28 June, 2011, pursuant to 37 C.F.R. §1.47.

NOTE:

Petitioner appears to have no inquiry in an attempt to identify a reasonably believed to be valid/current/last known address for the non-signing inventor.

Petitioner appears to have ignored the guidance in the Commentary at MPEP §409.03, and §409.03(a).

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

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

A grantable petition pursuant to 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

Application No. 12/440,978

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.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C. § 116).

In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.

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

BACKGROUND

The record reflects as follows:

The application was deposited on 12 March, 2009, and thereafter prosecuted.

On 15 April, 2011, the Examiner noted a defect in the oath/declaration in light of the amended application, and mailed a requirement, *inter alia*, for a newly and fully executed oath/declaration.

On 28 June, 2011, Petitioner Ira J. Schultz (Reg. No. 28,666) filed, *inter alia*, a petition pursuant to the regulations at 37 C.F.R. §1.47, with an oath/declaration executed by co-inventors Warzelhan and Eberbach for themselves and on behalf of non-signing co-inventor Jorg Gabler (Mr. Gabler), with a statement by Petitioner, however, a review of the papers submitted and averments of non-delivery evidence that Petitioner or Petitioner's associate(s) delayed until 24 Jun, 2011, to seek to contact Mr. Gabler, and further appear to have made no effort to search for or otherwise identify a valid/current/reasonably believed to be last known address to which to transmit a copy of the entire application (description, claims, abstract, drawings) to the non-signing inventor. Thus, there is no demonstration as to any diligence employed in an effort to ascertain a valid/current/reasonably believed to be last known address for the non-signing inventor. Thus there is at this writing insufficient showing of the requirement that the entire application—description, claims, abstract and drawing—was transmitted to valid/current/reasonably believed to be last known addresses for the non-signing inventor with his refusal to sign/join.

Petitioners always are reminded:

Application No. 12/440,978

- *for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided; and*
- *of the duties of candor to—with requirement for diligent inquiry before—the Office and to satisfy the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.*

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (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) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

The instant petition pursuant to 37 C.F.R. §1.47(a) is **dismissed**.

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

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

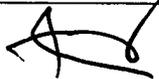
Application No. 12/440,978

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

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

§1.2 Business to be transacted in writing.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

DENNISON, SCHULTZ
& MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

MAILED
AUG 19 2011
OFFICE OF PETITIONS

In re Application of :
Gabler, et al. : DECISION ON PETITION
Application No. 12/440,978 :
Filed/Deposited: 12 March, 2009 :
Attorney Docket No. 09007 :

This is a decision on the petition filed on 11 August, 2011, pursuant to 37 C.F.R. §1.47.

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

A grantable petition pursuant to 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 of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 12 March, 2009, and thereafter prosecuted.

On 15 April, 2011, the Examiner noted a defect in the oath/declaration in light of the amended application, and mailed a requirement, *inter alia*, for a newly and fully executed oath/declaration.

Application No. 12/440,978

On 28 June, 2011, Petitioner Ira J. Schultz (Reg. No. 28,666) filed, *inter alia*, a petition pursuant to the regulations at 37 C.F.R. §1.47, with an oath/declaration executed by co-inventors Warzelhan and Eberbach for themselves and on behalf of non-signing co-inventor Jorg Gabler (Mr. Gabler), with a statement by Petitioner, however, a review of the papers submitted and averments of non-delivery evidenced that Petitioner or Petitioner's associate(s) delayed until 24 Jun, 2011, to seek to contact Mr. Gabler, and further appear to have made no effort to search for or otherwise identify a valid/current/reasonably believed to be last known address to which to transmit a copy of the entire application (description, claims, abstract, drawings) to the non-signing inventor. Thus, there is no demonstration as to any diligence employed in an effort to ascertain a valid/current/reasonably believed to be last known address for the non-signing inventor. Thus the petition was dismissed on 15 July, 2011, for insufficient showing of the requirement that the entire application—description, claims, abstract and drawing—was transmitted to valid/current/reasonably believed to be last known addresses for the non-signing inventor with his refusal to sign/join.

On 11 August, 2011, Petitioner re-advanced his petition with an averment that the previously non-signing co-inventor Mr. Gabler had signed/joined in the oath/declaration of the application, and in support of this averment, Petitioner filed a copy of the oath/declaration executed by Mr. Gabler in compliance with 37 C.F.R. §1.63—and so evidencing joinder.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **dismissed as moot**.

In view of the joinder of the inventor, further consideration under 37 C.F.R. §1.47 is not necessary. This application does not have any Rule 1.47 status and no such status should appear

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

Application No. 12/440,978

on the record for this file. This application should not be returned to this Office for any further consideration under 37 C.F.R. §1.47.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner’s action(s).

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

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

§1.2 Business to be transacted in writing.

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

29 SEP 2010

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

| | | |
|-------------------------------------|---|----------------|
| In re Application of | : | DECISION ON |
| IMAMURA et al | : | |
| Application No.: 12/441,071 | : | |
| PCT No.: PCT//JP2007/067318 | : | PETITION UNDER |
| Int. Filing Date: 05 September 2007 | : | |
| Priority Date: 28 September 2006 | : | |
| Attorney Docket No.: Q112575 | : | 37 CFR 1.182 |
| For: HEARTBEAT DETECTING APPARATUS | : | |

This decision is in response to petitioner's "PETITION UNDER 37 CFR 1.182 TO CORRECT INVENTOR'S NAME AND ADDRESS" filed on 30 July 2009. The petition fee of \$400.00 has been charged to Deposit Account No. 19-4880 as indicated in the petition.

BACKGROUND

On 12 March 2009, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an executed oath under 35 U.S.C. 371(c)(4).

On 25 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905).

On 30 July 2009, petitioner submitted the instant petition, which included an affidavit in support of the name change of joint inventor from Ayako Matsue to Ayako IMAMURA. In addition, a second copy of the declaration has been filed which is signed by "Ayako IMAMURA," as the original declaration filed on 12 March 2009.

On 24 November 2009, the DO/EO/US mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which erroneously indicated a date of receipt of 35 USC 371(c)(1), (c)(2), and (c)(4) requirements as 07/30/2009 and 07/30/2009 date of completion of all 35 USC 371 requirements.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been charged to petitioner's deposit account.

With respect to item (2), petitioner has provided with the petition her signature signed under her married name Ayako IMAMURA, and setting forth the procedure whereby the change of name was effected. Therefore, item (2) has been satisfied.

The "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) mailed on 24 November 2009 is **VACATED** with the mailing of this decision.

CONCLUSION

The petition under 37 CFR §1.182 for change of name of inventor is **GRANTED**.

For the reasons above, the application may enter into national stage processing at this time. This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **12 March 2009**.

A new Notification of Acceptance of Application (Form PCT/DO/EO/903) will be mailed out.


Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 16 2011

PCT LEGAL ADMINISTRATION

Carl R. Amos
8710 W. Hillsborough Avenue #413
Tampa 33615

In re Application of :
AMOS :
Application No.: 12/441,133 : DECISION on
PCT No.: PCT/US07/76131 :
Int. Filing Date: 6 August 2007 : PETITION
Priority Date: 21 August 2006 :
Attorney Docket No.: NONE : UNDER 37 CFR 1.137(b)
For: UNCLE GEM V. UNIVERSAL AUTOMATIC :
INSTANT MONEY, DATA AND PRECIOUS METAL :
& STONE :

The petition to revive under 37 CFR 1.137(b) filed 13 April 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has now been provided. The required petition fee of \$810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 13 April 2011.

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



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Carl R. Amos
8710 W. Hillsborough Avenue #413
Tampa FL 33615

MAILED

APR 11 2012

PCT LEGAL ADMINISTRATION

| | | |
|--|---|----------|
| In Re Application of | : | |
| AMOS | : | |
| Application No.: 12/441,133 | : | DECISION |
| PCT No.: PCT/US07/76131 | : | |
| Int. Filing Date: 16 August 2007 | : | |
| Priority Date: 21 August 2006 | : | |
| Attorney Docket No.: none | : | |
| For: UNCLE GEM V, UNIVERSAL AUTOMATIC | : | |
| INSTANT MONEY, DATA AND PRECIOUS METAL & | : | |
| STONE TRANSFER MACHINE | : | |

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371 in the above referenced application filed in the United States Patent and Trademark Office and applicant's request filed on 21 February 2012 with a duplicate petition refiled on 24 February 2012.

BACKGROUND

On 16 August 2007, applicant filed international application No. PCT/US07/76131 which claimed a priority date of 21 August 2006 and which designated the United States. The thirty month period within which to enter the U.S. national stage expired at midnight 21 February 2009.

Thereafter, on 12 March 2009, applicant filed, *inter alia*, a transmittal letter for entry into the national stage, without the basic national fee. On 14 December 2009, a Notification of Abandonment was mailed to applicant indicating that applicant had failed to pay the basic national fee by the expiration of the thirty month period.

On 12 April 2011, applicant filed a petition to revive the international application, which was granted on 16 June 2011. The decision incorrectly indicated that the 35 U.S.C. 371(c) requirements had been met.

On 06 December 2011, a Notification of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed, incorrectly indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 April 2011.

On 21 February 2012, applicant filed a Request for the application to remain with the PCT division office and be examined by technology center 3600.

DISCUSSION

The 06 December 2011 Notification of Acceptance incorrectly indicated a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 April 2011, as the date of receipt of 35 U.S.C. 371(c)(1),

(c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements. Applicant filed an unsigned declaration on 12 March 2009, which is unacceptable. The Notice of Acceptance is incorrect because, among other items, an executed declaration in compliance with 37 CFR 1.497(a) and (b) has not yet been submitted. Therefore, the Notification of Acceptance is hereby vacated.

To meet the requirements of 35 U.S.C. 371(c), an oath or declaration, in compliance with 37 CFR 1.497(a)-(b), is required and has not yet been submitted. See MPEP 1893.01(d), 35 U.S.C. 371(c)(4) and 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons set forth above, the Notification of Acceptance (Form PCT/DO/EO/903) mailed on 06 December 2011 is **VACATED**.

Applicant is required to submit an executed declaration in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision including issuance of a Notification of Missing Requirements, indicating, among other things, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) is required.

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



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YOUNG & THOMPSON
209 MADISON STREET, SUITE 500
ALEXANDRIA, VA 22314

MAILED

MAR 21 2011

OFFICE OF PETITIONS

| | | |
|--------------------------------------|---|-------------------------|
| In re Application of | : | |
| Jean-Pierre CHAUVEAU, et al. | : | |
| Application No. 12/441,171 | : | DECISION ON PETITION TO |
| Filed: March 13, 2009 | : | WITHDRAW FROM RECORD |
| Attorney Docket No. 0604-1054 | : | |
| | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with the above certifications. Also, petitioner has not properly submitted forwarding correspondence address information for the application.

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

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

Inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2800. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 07 2011

OFFICE OF PETITIONS

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

In re Application of :
Stuart Edward SAUNDERS : ON PETITION
Application No. 12/441,199 :
Filed: March 13, 2009 :
Atty. Docket No.: SAUN0102PUSA :

This is a decision on the petition under 37 CFR 1.137(b), filed October 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed September 16, 2010 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned December 17, 2010. A Notice of Abandonment was mailed March 30, 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 Request for Continued Examination (RCE), and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

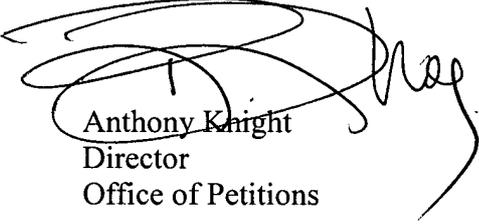
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$635 extension of time fee submitted with the petition on October 21, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and

petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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

The application will be referred to Technology Center Art Unit 1787 for further consideration of the filed submission.



Anthony Knight
Director
Office of Petitions



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED
DEC 27 2010
OFFICE OF PETITIONS

In re Application of
Robert W. POWER
Application No. 12/441,228
Filed: September 29, 2009
Attorney Docket No. 1727.008US1

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 29, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Peter c. Maki and all the attorneys of record associated with Customer No. 21186, has been revoked by the assignee of the patent application on February 17, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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: SCIENTIFIC MOLDING CORPORATION LTD.
330 SMC DRIVE
SOMERSET WI 54025

cc: PETER C. MAKI
1600 TCF TOWER, 121 SOUTH 8TH STREET
MINNEAPOLIS MN 55402

Docket No.: 2204819.133US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HU, Qiang Confirmation No.: 1247
Application No.: 12/441,233 Art Unit: 1651
Filed: August 28, 2009 Examiner: Taeyoon Kim
Title: ALGAL MEDIUM CHAIN LENGTH FATTY ACIDS AND
HYDROCARBONS

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

Statements of Special Status for the Eligibility Requirement
for the Green Technology Pilot Program

Dear Sir/Madam:

Applicants herewith file a Petition to Make Special Under the Green Technology Pilot Program (PTO/SB/420). Applicants respectfully submit that the claimed invention materially contributes to the discovery or development of renewable energy resources, to greenhouse gas reduction and improvement of environmental quality by providing, in at least one embodiment, methods for culturing algae to produce algal medium chain length fatty acids. Algal cultures remove carbon dioxide from the atmosphere while creating carbon chains that can be processed to make biofuels. In at least one embodiment, algae strains are cultured to produce oil which can be further processed to produce kerosene and other fuels which can be used to obtain jet fuel blend stocks and/or diesel blend stocks. As such, the claimed invention should be classified under Art Unit 1651.

Applicants enclose herewith the publication fee of \$300, pursuant to 37 CFR 1.18(d). No other fees are believed due with this submission, however the Director is hereby authorized to

charge any additional fees or apply any overages to our Deposit Account No. 08-0219, under Order No. 2204819.00133US1, from which the undersigned is authorized to draw.

Applicants respectfully request the grant of the Petition filed herewith and a favorable and prompt decision regarding the present application. The Examiner is invited to telephone the undersigned at (617) 526-6613 if a phone conference may help advance prosecution.

Respectfully submitted,

Dated: September 30, 2011

/Nishat A. Shaikh/

Nishat A. Shaikh

Registration No.: 66,183

Attorney for Applicant(s)

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000 (telephone)
(617) 526-5000 (facsimile)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2204819.00133US1 Application Number (if known): 12/441,233 Filing date: August 28, 2009

First Named Inventor: Qiang HU

Title: ALGAL MEDIUM CHAIN LENGTH FATTY ACIDS AND HYDROCARBONS

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements 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 /Nishat A. Shaikh/ | Date 9/30/2011 |
| Name (Print/Typed) Nishat A. Shaikh | Registration Number 66,183 |

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.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------|
| 12/441,233 | 08/28/2009 | Qiang Hu | 2204819.00133US1 | 1247 |
| 23483 | 7590 | 10/20/2011 | EXAMINER KIM, TAEYOON | |
| WILMERHALE/BOSTON 60 STATE STREET BOSTON, MA 02109 | | | ART UNIT | PAPER NUMBER |
| | | | 1651 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 10/20/2011 | ELECTRONIC |

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

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

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

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

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

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

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600



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**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. 12/441,364 : **DECISION ON PETITION**
Filed: March 11, 2010 : **TO WITHDRAW**
Attorney Docket No. 381092002600 : **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

17 SEP 2010



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CHEMIMAGE CORPORATION
7301 PENN AVENUE
PITTSBURGH PA 15208

| | | |
|-------------------------------------|---|-------------------|
| In re Application of | : | |
| WANG, Xinghua, et al. | : | |
| Application No.: 12/441,420 | : | DECISION |
| PCT No.: PCT/US2007/079880 | : | |
| Int. Filing Date: 28 September 2007 | : | ON PETITION UNDER |
| Priority Date: 29 September 2006 | : | |
| Docket No.: CID 086 US | : | 37 CFR 1.47(a) |
| For: SPECTRAL IMAGING SYSTEM | : | |

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 14 July 2010.

BACKGROUND

On 16 March 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 14 July 2010, applicants filed this petition under 37 CFR 1.47(a), accompanied by the fee for a two month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) have been met. The \$200 petition fee has been paid. Applicant states the last known address of Jingyun Zhang as 2490 Partridge Drive, Upper St. Clair, PA 15241 and of David Tuschel as 915 Harvard Rd., Monroeville, PA 15146. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. As to inventor Jingyun Zhang, the presentation of the declaration was accomplished by Colleen Dempster. The email appears to indicate that a copy of the application was presented to the inventor, but this has not been stated by someone with

firsthand knowledge. The statement of facts from Kristin Biedinger does not assert that a complete copy of the application papers was given to the inventor. Refusal, absent presentation with a complete copy of the application papers is not ordinarily sufficient.

As to inventor David Tuschel, the attempt to contact the inventor was returned to sender. Applicants have not detailed an effort to locate a valid address for the inventor. Copies of internet searches and other documentary evidence of the search is appropriate.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JAN 18 2011

PCT LEGAL ADMINISTRATION

CHEMIMAGE CORPORATION
7301 PENN AVENUE
PITTSBURGH PA 15208

| | | |
|-------------------------------------|---|-------------------|
| In re Application of | : | |
| WANG, Xinghua, et al. | : | |
| Application No.: 12/441,420 | : | DECISION |
| PCT No.: PCT/US2007/079880 | : | |
| Int. Filing Date: 28 September 2007 | : | ON PETITION UNDER |
| Priority Date: 29 September 2006 | : | |
| Docket No.: CID 086 US | : | 37 CFR 1.47(a) |
| For: SPECTRAL IMAGING SYSTEM | : | |

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 17 November 2010.

BACKGROUND

On 17 September 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 17 November 2010, applicants filed this renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1), (3) and (4) were previously satisfied. The \$200 petition fee has been paid. Applicant states the last known address of Jingyun Zhang as 2490 Partridge Drive, Upper St. Clair, PA 15241 and of David Tuschel as 915 Harvard Rd., Monroeville, PA 15146. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has now been satisfied.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **14 July 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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JAN 18 2011

PCT LEGAL ADMINISTRATION

Jingyun Zhang
2490 Partridge Drive
Upper St. Clair, PA 15241

In re Application of
WANG, Xinghua, et al.
Application No.: 12/441,420
PCT No.: PCT/US2007/079880
Int. Filing Date: 28 September 2007
Priority Date: 29 September 2006
Docket No.: CID 086 US
For: SPECTRAL IMAGING SYSTEM

Dear Mr. Zhang:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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PITTSBURGH PA 15208



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JAN 18 2011

PCT LEGAL ADMINISTRATION

David Tuschel
915 Harvard Rd.
Monroeville, PA 15146

In re Application of
WANG, Xinghua, et al.
Application No.: 12/441,420
PCT No.: PCT/US2007/079880
Int. Filing Date: 28 September 2007
Priority Date: 29 September 2006
Docket No.: CID 086 US
For: SPECTRAL IMAGING SYSTEM

Dear Mr. Tuschel:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
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CHEMIMAGE CORPORATION
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

| | | | |
|-----------------|------------|--------------|----------------|
| Application No: | 12/441,440 | Filing date: | March 16, 2009 |
|-----------------|------------|--------------|----------------|

| | |
|-----------------------|----------------------|
| First Named Inventor: | Panagiotis Saltsidis |
|-----------------------|----------------------|

Title of the Invention: System and Method for Ethernet Protection Switching in a Provider Backbone . . .

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/IB/2008/002936

The international date of the corresponding PCT application(s) is/are: October 31, 2008

I. List of Required Documents:

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

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

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

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

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

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

1. A method of providing Ethernet protection switching in a Provider Backbone Bridging Traffic Engineering, PBB-TE, Domain, the method
5 comprising the steps of:

establishing a first PBB-TE trunk between a first B-component and a second B-component, the first PBB-TE trunk having a first Ethernet switching path, ESP, for unidirectional traffic from the first B-component to the second B-component and a second ESP for unidirectional traffic from the second B-
10 component to the first B-component, wherein the first ESP is associated with a first VLAN Identifier (VID), and the second ESP is associated with a second VID;

establishing a second PBB-TE trunk between the first B-component and the second B-component, the second PBB-TE trunk having a third ESP for
15 unidirectional traffic from the first B-component to the second B-component and a fourth ESP for unidirectional traffic from the second B-component to the first B-component, wherein the third ESP is associated with a third VID and the fourth ESP is associated with a fourth VID;

mapping data traffic onto the first PBB-TE trunk, the first PBB-TE trunk
20 corresponding to a working entity and the second PBB-TE trunk corresponding to a backup protection entity;

monitoring the first PBB-TE trunk for faults; and

upon detecting a fault on the first PBB-TE trunk, remapping data traffic
onto the second PBB-TE trunk.

25

2. The method according to claim 1, wherein the monitoring step also includes monitoring the second PBB-TE trunk for faults, wherein when a fault is detected on the second PBB-TE trunk, data traffic is remapped onto the first PBB-TE trunk.

3. The method according to claim 1, wherein:

the first B-component includes a first ingress port associated with the second VID and a first egress port associated with the first VID, the first ingress port receiving data traffic via the second ESP and the first egress port send
5 data traffic via the first ESP to the second B-component; and

the second B-component includes a second ingress port associated with the first VID and a second egress port associated with the second VID, the second ingress port receiving data traffic via the first ESP and the second egress port sending data traffic via the second ESP to the first B-component.
10

4. The method according to claim 3, wherein the step of remapping data onto the second PBB-TE trunk includes reconfiguring the ports in the first and second B-components to send and receive traffic via the third and fourth ESPs.
15

5. The method according to claim 1, wherein a first Maintenance Association, MA, monitors the first PBB-TE trunk and a second MA monitors the second PBB-TE trunk for faults.

20 6. The method according to claim 5, wherein the first MA is associated with the first and second VIDs and the second MA is associated with the third and fourth VIDs.

7. The method according to claim 6, wherein:

25 the first B-component includes a first Maintenance End Point, MEP, for monitoring the first ESP, the first MEP being associated with the first VID;

the second B-component includes a second MEP for monitoring the second ESP, the second MEP being associated with the second VID;

30 the first MEP sending Continuity Check Messages, CCMs, to the second B-component via the first ESP and the second MEP sending CCMs via the second ESP.

8. The method according to claim 7, wherein, upon detecting a fault, the first or second MEP detects the fault and sets a defect setting parameter, thereby triggering the step of remapping data traffic onto the second PBB-TE trunk.

5

9. The method according to claim 6, wherein:

the first B-component includes a third Maintenance End Point, MEP, for monitoring the third ESP, the third MEP being associated with the third VID;

the second B-component includes a fourth MEP for monitoring the fourth
10 ESP, the fourth MEP being associated with the fourth VID;

the third MEP sending Continuity Check Messages, CCMs, to the third B-component via the third ESP and the fourth MEP sending CCMs via the fourth ESP.

15 10. The method according to claim 1, further includes the step of sending Continuity Check Messages, CCMs, via the first and second PBB-TE trunks to check connectivity of the trunks.

11. A system for providing Ethernet protection switching in a Provider
20 Backbone Bridging Traffic Engineering, PBB-TE, Domain, the system comprising:

a first PBB-TE trunk between a first B-component and a second B-component, the first PBB-TE trunk having a first Ethernet switching path, ESP, for unidirectional traffic from the first B-component to the second B-component
25 and a second ESP for unidirectional traffic from the second B-component to the first B-component, wherein the first ESP is associated with a first VLAN Identifier (VID), and the second ESP is associated with a second VID;

a second PBB-TE trunk between the first B-component and the second B-component, the second PBB-TE trunk having a third ESP for unidirectional
30 traffic from the first B-component to the second B-component and a fourth ESP for unidirectional traffic from the second B-component to the first B-component,

wherein the third ESP is associated with a third VID and the fourth ESP is associated with a fourth VID;

means for mapping data traffic onto the first PBB-TE trunk, the first PBB-TE trunk corresponding to a working entity and the second PBB-TE trunk
5 corresponding to a backup protection entity;

means for monitoring the first PBB-TE trunk for faults; and

means for remapping data traffic onto the second PBB-TE trunk in response to detecting a fault on the first PBB-TE trunk.

10 12. The system according to claim 11, wherein the monitoring means also includes means for monitoring the second PBB-TE trunk for faults, wherein when a fault is detected on the second PBB-TE trunk, the remapping means remaps data traffic onto the first PBB-TE trunk.

15 13. The system according to claim 11, wherein:

the first B-component includes a first ingress port associated with the second VID and a first egress port associated with the first VID, the first ingress port receiving data traffic via the second ESP and the first egress port send data traffic via the first ESP to the second B-component; and

20 the second B-component includes a second ingress port associated with the first VID and a second egress port associated with the second VID, the second ingress port receiving data traffic via the first ESP and the second egress port sending data traffic via the second ESP to the first B-component.

25 14. The system according to claim 13 wherein the data traffic is remapped onto the second PBB-TE trunk by reconfiguring the ports in the first and second B-components to send and receive traffic via the third and fourth ESPs.

30 15. The system according to claim 11, further comprising a first Maintenance Association, MA, to monitor the first PBB-TE trunk and a second MA to monitor the second PBB-TE trunk.

16. The system according to claim 15, wherein the first MA is associated with the first and second VIDs and the second MA is associated with the third and fourth VIDs.

5 17. The system according to claim 16, wherein:
 the first B-component includes a first Maintenance End Point (MEP), for monitoring the first ESP, the first MEP being associated with the first VID;
 the second B-component includes a second MEP for monitoring the second ESP, the second MEP being associated with the second VID; and
10 the first MEP sending Continuity Check Messages, CCMs, to the second B-component via the first ESP and the second MEP sending CCMs via the second ESP.

 18. The system according to claim 17, wherein,
15 the first B-component includes a third MEP for monitoring the third ESP, the third MEP being associated with the third VID;
 the second B-component includes a fourth MEP for monitoring the fourth ESP, the fourth MEP being associated with the fourth VID;
 the third MEP sending CCMs to the third B-component via the third ESP
20 and the fourth MEP sending CCMs via the fourth ESP.

 19. The system according to claim 17, wherein, upon detecting a fault, the first or second MEP detects the fault and sets a defect setting parameter, thereby triggering the remapping data traffic onto the second PBB-
25 TE trunk.

 20. The system according to claim 11, further comprising means for sending Continuity Check Messages, CCMs, via the first and second PBB-TE trunks to check connectivity of the trunks.

30 21. A node for providing Ethernet protection switching in a Provider Backbone Bridging Traffic Engineering, PBB-TE, Domain, the node comprising:

means for connecting to a first PBB-TE trunk between node and a second node, the first PBB-TE trunk having a first Ethernet switching path, ESP, for unidirectional traffic from the node to the second node and a second ESP for unidirectional traffic from the second node to the node, wherein the first
5 ESP is associated with a first VLAN Identifier (VID), and the second ESP is associated with a second VID;

means for connecting to a second PBB-TE trunk between the node and the second node, the second PBB-TE trunk having a third ESP for unidirectional traffic from the node to the second node and a fourth ESP for
10 unidirectional traffic from the second node to the node, wherein the third ESP is associated with a third VID and the fourth ESP is associated with a fourth VID;

means for mapping data traffic onto the first PBB-TE trunk, the first PBB-TE trunk corresponding to a working entity and the second PBB-TE trunk corresponding to a backup protection entity;

15 means for monitoring the first PBB-TE trunk for faults;

means for, upon detecting a fault on the first PBB-TE trunk, remapping data traffic onto the second PBB-TE trunk.

22. The node according to claim 21, wherein the monitoring means
20 also includes means for monitoring the second PBB-TE trunk for faults, wherein when a fault is detected on the second PBB-TE trunk, the remapping means remaps data traffic onto the first PBB-TE trunk.

23. The node according to claim 21, wherein the node includes a first
25 ingress port associated with the second VID and a first egress port associated with the first VID, the first ingress port receiving data traffic via the second ESP and the first egress port send data traffic via the first ESP to the second B-component.

30 24. The node according to claim 23, wherein the data traffic is remapped onto the second PBB-TE trunk by reconfiguring the ports in the node to send and receive traffic via the third and fourth ESPs.

25. The node according to claim 21, further comprising a first Maintenance Association, MA, to monitor the first PBB-TE trunk and a second MA to monitor the second PBB-TE trunk.

5 26. The node according to claim 25, wherein the first MA is associated with the first and second VIDs and the second MA is associated with the third and fourth VIDs.

10 27. The node according to claim 21, further comprising means for sending Continuity Check Messages, CCMs, via the first and second PBB-TE trunks to check connectivity of the trunks.

28. The node according to claim 21, wherein the node is a B-Component of a Backbone Edge Bridge.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 12/441,440 | 12/08/2009 | Panagiotis Saltsidis | P24950-US2 | 2042 |
| 27045 | 7590 | 02/02/2011 | EXAMINER | |
| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024 | | | HAILU, KIBROM T | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

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

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

kara.coffman@ericsson.com
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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of: SALTSIDIS, PANAGIOTIS
et al.

Application No. 12441440
Filed: December 8, 2009

For: SYSTEM AND METHOD FOR ETHERNET
PROTECTION SWITCHING IN A PROVIDER BACKBONE
BRIDGING TRAFFIC ENGINEERING DOMAIN

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

MAILED

FEB 02 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

The petition is **GRANTED**.

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

- (a) The U.S. application is a national stage entry of the corresponding PCT application.
- (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
- (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
- (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
- (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. *If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.*

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Application SN 12441440
Decision on Petition

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

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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

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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE
USPTO**

| | | | |
|--|---|--------------|----------------|
| Application No: | 12/441,446 | Filing date: | March 16, 2009 |
| First Named Inventor: | Taichi MITA | | |
| Title of the Invention: | SHAPE EVALUATION METHOD, SHAPE EVALUATION APPARATUS, AND THREE DIMENSION INSPECTION 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 | | | |
| APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM. | | | |
| <p>The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.</p> <p>The corresponding PCT application number(s) is/are: PCT/JP08/59606</p> <p>The international date of the corresponding PCT application(s) is/are: May 20, 2008</p> <p>I. List of Required Documents:</p> <p>a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)</p> <p><input checked="" type="checkbox"/> Is attached. See Appendix A</p> <p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).</p> <p><input checked="" type="checkbox"/> Is attached. See Appendix B</p> <p><input type="checkbox"/> Is <u>not</u> attached because the document is already in the U.S. application.</p> <p>c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.</p> <p>See Appendices C and D, respectively</p> | | | |

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 12/441,446
Attorney Docket No. 339350US71CTC PCT

Appendix A

Copy of latest PCT Office Action

拒絶理由通知書

| | |
|----------|------------------|
| 特許出願の番号 | 特願2007-139268 |
| 起案日 | 平成23年 3月22日 |
| 特許庁審査官 | 大和田 有軌 3004 2S00 |
| 特許出願人代理人 | 家入 健 様 |
| 適用条文 | 第29条柱書、第36条 |

この出願は、次の理由によって拒絶をすべきものです。これについて意見がありましたら、この通知書の発送の日から60日以内に意見書を提出してください。

理 由

《理由1》

この出願は、特許請求の範囲の記載が下記の点で、特許法第36条第6項第2号に規定する要件を満たしていない。

記

[1] 請求項1に、「評価対象物の表面形状を認識する形状認識ステップ」と記載されているところ、どのようにして「評価対象物の表面形状を認識する」か、明らかでないから、請求項1およびこれを引用する請求項2～4の記載は、明確でなく、さらに、同様の点で、請求項9の記載も、明確でない。

[2] 請求項1に、「作成したハイライト線に基づいて評価対象物の表面形状の評価を行う」と記載されているところ、「ハイライト線」に基づいた「評価対象物の表面形状の評価」とは、どのようにして行われるものか、明らかでないから、請求項1およびこれを引用する請求項2～8の記載は、明確でなく、さらに、同様の点で、請求項9～12の記載も、明確でない。

[3] 請求項2に、「特定された形状によって規定される平面と、所定の方向ベクトルとが平行となる代表点のみを選択する」と記載されているところ、「特定された形状によって規定される平面」および「所定の方向ベクトル」とはそれぞれ何か、明らかでないから、請求項2およびこれを引用する請求項3～8の記載は、明確でない。

[4] 請求項4に、「評価対象物の表面形状を評価するための評価値が最大または最小となる方向を視認方向として定める」と記載されているところ、「評価対象物の表面形状を評価するための評価値」とは何か、明らかでないから、請求項4およびこれを引用する請求項5～8の記載は、明確でない。

[5] 請求項9の「・・・ハイライト線作成ステップと、を備え、・・・形状評価装置」という記載は、その意図が明らかでなく、請求項9およびこれを引用する請求項10～11の記載は、明確でない。

《理由2》

この出願の下記の請求項の記載により特定される事項は、下記の点で特許法第29条第1項柱書に規定する要件を満たしていないので、特許を受けることができない。

記

・請求項1～9

上記請求項の記載は、単に、「評価対象物の表面形状」なるデータに、所定の計算手順からなる処理を施すことによって、「ハイライト線」なるデータを作成し、「評価対象物の表面形状の評価」なる処理を行う、という事項を特定しただけのものにすぎず、上記請求項は、単なる計算方法または単なる計算装置を記載したにすぎないものである（すなわち、当該計算方法（「形状評価方法」）に用いる具体的なハードウェア資源、あるいは、当該計算装置（「形状評価装置」）を構成する具体的なハードウェア資源については、これらの請求項の記載でいっさい特定されていない）。

したがって、本願の上記請求項の記載により特定される事項は、全体として、自然法則を利用した技術的思想の創作となっておらず、特許法上の「発明」に該当しない。

なお、産業上利用することができる発明が記載されていない、請求項1～9に関しては、新規性、進歩性等の特許要件についての審査を行っていない。

《先行技術文献調査結果の記録》

○調査した分野 IPC G01B11/00-11/30
G01B21/00-21/32
G06F17/50

○先行技術文献（当該技術分野における一般的技術水準を示します）

- ・特開2006-329898号公報
- ・特開平8-123835号公報
- ・国際公開第2006/073036号
- ・特開平7-332950号公報
- ・特開平11-110437号公報
- ・特開平6-194148号公報

※この先行技術文献調査結果の記録は拒絶理由を構成するものではありません。

《連絡先》特許審査第一部 計測（距離・電気測定） 大和田 有軌

TEL03-3581-1101 内線3256～3258

この拒絶理由通知書の内容について問い合わせがあるとき、または、この出願について面接を希望されるときは、ご連絡ください。

なお、出願や審査の内容に関わる問い合わせ等については、責任ある対応をなす者（代理人が代理している場合は当該代理人、代理人が代理していない場合は出願人本人もしくは出願人本人以外の責任ある対応をなす知財部員等）からの連絡に限ります。

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 12/441,446
Attorney Docket No. 339350US71CTC PCT

Appendix B

Copy of all claims which were
determined to be patentable in the PCT

【書類名】 手続補正書
【整理番号】 200702867
【提出日】 平成23年 4月25日
【あて先】 特許庁長官 殿
【事件の表示】
【出願番号】 特願2007-139268
【補正をする者】
【識別番号】 000003207
【氏名又は名称】 トヨタ自動車株式会社
【代理人】
【識別番号】 100103894
【弁理士】
【氏名又は名称】 家入 健
【発送番号】 202914
【手続補正1】
【補正対象書類名】 特許請求の範囲
【補正対象項目名】 全文
【補正方法】 変更
【補正の内容】
【書類名】 特許請求の範囲
【請求項1】

評価対象物の表面形状を評価する形状評価方法であって、
評価対象物の表面形状を計測した結果得られる計測値に基づいて、又は、評価対象物の形状を示す仮想的な形状データを読み込むことで、前記評価対象物の表面形状を認識する形状認識ステップと、

前記認識した評価対象物の表面形状上から代表点を抽出する代表点抽出ステップと、
前記抽出された代表点を中心とした所定範囲についての形状を特定する形状特定ステップと、

前記各代表点に対して、光を照射する光源の相対位置に基づく光源方向ベクトルを定義するベクトル定義ステップと、

前記各代表点のうち、定義された光源方向ベクトルに対応する仮想的な反射ベクトルが、視認方向として仮想的に定められた方向から所定の範囲内に含まれる代表点のみを選択する代表点選択ステップと、

前記選択した各代表点の集まりをハイライト点群とし、このハイライト点群に基づいて、評価対象物の表面に仮想的に生じたハイライト線を作成するハイライト線作成ステップと、を備え、

作成したハイライト線上に評価点を付与し、該評価点を用いて曲線を近似し、該近似した曲線の曲率に基づいて評価対象物の表面形状の評価を行うことを特徴とする形状評価方法。

【請求項2】

前記代表点選択ステップにおいて、前記代表点を中心とした所定範囲について特定された形状によって規定される平面と、前記定義された光源方向ベクトルに対応する仮想的な反射ベクトルと、が平行となる代表点のみを選択することを特徴とする請求項1に記載の形状評価方法。

【請求項3】

前記ハイライト線作成ステップが、ハイライト点群中の任意のハイライト点について、所定の範囲内に含まれるハイライト点を集め、これらのハイライト点の集まりから直線方向を決定するステップを含み、各々のハイライト線について決定された直線方向を結ぶことで形成される折れ線に基づいて、ハイライト線を作成するものであることを特徴とする請求項1または2に記載の形状評価方法。

【請求項 4】

前記視認方向として仮想的に定める方向を変化させて、評価対象物の表面形状を評価するための評価値であるハイライト線の曲率が最大または最小となる方向を視認方向として定めることを特徴とする請求項 1 から 3 のいずれかに記載の形状評価方法。

【請求項 5】

前記形状認識ステップが、前記評価対象物の表面形状を計測した結果得られる計測値に基づいて、評価対象物の表面形状データを認識するものであることを特徴とする請求項 1 から 4 のいずれかに記載の形状評価方法。

【請求項 6】

前記形状認識ステップが、評価対象物の形状を示す仮想的な形状データを読み込むことで、評価対象物の表面形状データを認識するものであることを特徴とする請求項 1 から 4 のいずれかに記載の形状評価方法。

【請求項 7】

前記代表点抽出ステップが、前記仮想的に構成した評価対象物の形状データへ、等間隔に配置された点群を含む一平面を投影し、前記点群が形状データ上に投影された位置を、代表点として抽出するものであることを特徴とする請求項 6 に記載の形状評価方法。

【請求項 8】

表面形状の評価を行った結果に基づいて、前記形状データを修正し、再度評価を行うことを特徴とする請求項 6 または 7 に記載の形状評価方法。

【請求項 9】

評価対象物の表面形状を評価する形状評価装置であって、
計測部によって計測した結果得られる計測値、又は、記憶領域に記憶した評価対象物を仮想的に構成した際の表面形状データ、に基づいて、評価対象物の表面形状を認識する手段と、

認識した評価対象物の表面形状上から代表点を抽出する手段と、
抽出された代表点を中心とした所定範囲についての形状を特定する手段と、
前記各代表点に対して、光を照射する光源の相対位置に基づく光源方向ベクトルを定義する手段と、

前記各代表点のうち、定義された光源方向ベクトルに対応する反射ベクトルが、視認方向として定められた方向から所定の範囲内に含まれる代表点のみを選択する手段と、

前記選択した各代表点の集まりをハイライト点群とし、このハイライト点群に基づいて、評価対象物の表面に仮想的に生じたハイライト線を作成する手段と、

前記作成したハイライト線上に評価点を付与し、該評価点を用いて曲線を近似し、該近似した曲線の曲率に基づいて評価対象物の表面形状の評価を行う手段と、

を有する演算処理部を備える、ことを特徴とする形状評価装置。

【請求項 10】

評価対象物の表面形状を計測する計測部を更に備え、
前記評価対象物の表面形状を認識する手段は、前記計測部によって計測した結果得られる計測値に基づいて、表面形状を認識することを特徴とする請求項 9 に記載の形状評価装置。

【請求項 11】

評価対象物を仮想的に構成した際の表面形状データを記憶する記憶領域を更に備え、
前記評価対象物の表面形状を認識する手段は、前記記憶した表面形状データに基づいて評価対象物の表面形状を認識することを特徴とする請求項 9 または 10 に記載の形状評価装置。

【請求項 12】

検査対象物の表面形状を計測するための計測部を備え、検査対象物の表面形状を三次元的に検査する三次元検査装置であって、

計測部により検査対象物の表面形状を認識する手段と、
認識した検査対象物の表面形状上から代表点を抽出する手段と、

抽出された代表点を中心とした所定範囲についての形状を特定する手段と、
前記各代表点に対して、光を照射する仮想的な光源の相対位置に基づく光源方向ベクトルを定義する手段と、

前記各代表点のうち、光源位置に対する相対位置に基づいて定義された光源方向ベクトルに対応する反射ベクトルが、視認方向として定められた方向から所定の範囲内に含まれる代表点のみを選択する手段と、

前記選択した各代表点の集まりをハイライト点群とし、このハイライト点群に基づいて、検査対象物の表面に仮想的に生じたハイライト線を作成する手段と、

作成したハイライト線上に評価点を付与し、該評価点を用いて曲線を近似し、該近似した曲線の曲率に基づいて検査対象物の表面形状の検査を行う手段と、

を有する演算処理部を備える、ことを特徴とする三次元検査装置。

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 12/441,446
Attorney Docket No. 339350US71CTC PCT

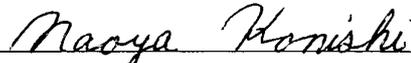
Appendix C

English-language translation of the
latest PCT Office Action

STATEMENT OF VERIFICATION

I, Naoya KONISHI, c/o HIBIKI IP Law Firm, Asahi Bldg. 10th Floor, 3-33-8, Tsuruya-cho, Kanagawa-ku, Yokohama-shi, Kanagawa 221-0835 Japan, hereby declare that I am the translator of the latest Office Action in the corresponding JP Application and certify that the following is a true English translation to the best of my knowledge and belief.

Dated this 23rd day of June, 2011



Naoya KONISHI

(Translation)

Reference No. 200702867

Issue No. 202914

Mailing Date March 29, 2011

1

NOTICE OF REASONS FOR REJECTION

| | |
|---------------------------|--------------------------------------|
| Patent Application No. | Patent Application No. 2007-139268 |
| Drafting Date | March 22, 2011 |
| Examiner of Patent Office | Yuuki OOWADA 3004 2S00 |
| Attorney for Applicant | Takeshi IEIRI Esq. |
| Applied Articles | Art. 29 introductory clause, Art. 36 |

This application is deemed to be rejected for the following reasons.
Argument, if any, should be submitted within 60 days from the date of mailing of this notice.

Reason

<Reason 1>

The descriptions of the patent claims in this application do not comply in the following points with the requirements under Patent Law Article 36(6)(ii).

Remarks

[1] There is a description "a shape recognition step for recognizing the surface shape of the object to be evaluated" in Claim 1, but it is unclear how "the surface shape of the object to be evaluated is recognized". Therefore, the descriptions of Claim 1 and Claims 2 to 4 citing this description are unclear. Further, for the same reason, the description of Claim 9 is also unclear.

[2] There is a description "an evaluation of the surface shape of the object to be evaluated is performed based on the created highlight line" in Claim 1, but it is unclear how the "evaluation of the surface shape of the object to be evaluated" is performed based on the "highlight line". Therefore, the descriptions of Claim 1 and Claims 2 to 8 citing this description are unclear. Further, for the same reason, the descriptions of Claim 9 to 12 are also unclear.

(Translation)

[3] There is a description "only representing points for which a plane defined by a specified shape becomes parallel to a predefined direction vector are selected" in Claim 2, but it is unclear what is meant by each of the "plane defined by a specified shape" and the "predefined direction vector". Therefore, the descriptions of Claim 2 and Claims 3 to 8 citing this description are unclear.

[4] There is a description "a direction for which an evaluation value used to evaluate the surface shape of an object to be evaluated becomes the maximum or the minimum is defined as the visual recognition direction" in Claim 4, but it is unclear what is meant by the "evaluation value used to evaluate the surface shape of an object to be evaluated". Therefore, the descriptions of Claim 4 and Claims 5 to 8 citing this description are unclear.

[5] The meaning of a description "a shape evaluation apparatus . . . comprising . . . a highlight line creation step for . . ." in Claim 9 is unclear. Therefore, the descriptions of Claim 9 and Claims 10 and 11 citing this description are unclear.

<Reason 2>

The invention in the claim listed below of this application cannot be granted a patent since it does not comply in the following points with the requirements under the introductory clause of Patent Law Article 29(1).

Remarks

- Claims 1 to 9

The descriptions of the above-mentioned Claims merely specify matters that data called "highlight line" is created by simply performing a process composed of a predetermined calculation procedure on data called "surface shape of an object to be evaluated" and a process called "evaluation of a surface shape of

(Translation)

Reference No. 200702867

Issue No. 202914

Mailing Date March 29, 2011

4

<Contact> First Patent Examination Department (Distance/Electric measurement)

Yuuki OOWADA

TEL. 03-3581-1101 EXT. 3256 to 3258

If you have any questions on this Notice of Reasons for Rejection, or if you wish to have an interview on this application, please contact us.

Note that only persons capable of taking responsible attitude (if an attorney has been assigned, the attorney, if no attorney has been assigned, the applicant itself or a person other than the applicant capable of taking responsible attitude such as a member in an intellectual department) can contact us for an inquiry about the application and/or examination.

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 12/441,446
Attorney Docket No. 339350US71CTC PCT

Appendix D

English-language translation of all
claims which were determined to be
patentable in the PCT

STATEMENT OF VERIFICATION

I, Naoya KONISHI, c/o HIBIKI IP Law Firm, Asahi Bldg. 10th Floor, 3-33-8, Tsuruya-cho, Kanagawa-ku, Yokohama-shi, Kanagawa 221-0835 Japan, hereby declare that I am the translator of Allowable/Patentable claims in the latest Amendment of the corresponding JP application, and certify that the following is a true English translation to the best of my knowledge and belief.

Dated this 23rd day of June, 2011



Naoya KONISHI

ALLOWED CLAIMS :

1. A shape evaluation method for evaluating a surface shape of an object to be evaluated comprising:

5 a shape recognition step for recognizing the surface shape of the object to be evaluated based on a measurement value obtained from a measurement result of the surface shape of the object to be evaluated, or by reading imaginary shape data representing a shape of the object to be evaluated;

10 a representative point extraction step for extracting representing points from the recognized surface shape of the object to be evaluated;

a shape specifying step for specifying a shape for a predefined area around the extracted representing point;

15 a vector defining step for defining a light source direction vector with respect to each of the representing points based on a relative position of a light source to radiate light;

a representing point select step for selecting, from among all of the representing points, only representing points for which imaginary reflection vectors corresponding to the defined light source direction vectors are contained within a predefined range from a direction that is imaginarily defined as a visual recognition direction; and

20

a highlight line creation step for creating, by using a group of all of the selected representing points as a highlight point group, a highlight line that is imaginarily generated on the surface of the object to be evaluated based on the highlight point group;

25 wherein an evaluation point is added on the created highlight line; a curved line is approximated based on the evaluation point; and an evaluation of the surface shape of the object to be evaluated is performed based on a curvature of the approximated curved line.

30 2. The shape evaluation method according to Claim 1, wherein only representing points for which a plane defined by the shape specified for the predefined area around the representing point becomes parallel to an imaginary reflection vector corresponding to the defined light source direction vector are selected in the representing point select step.

3. The shape evaluation method according to Claim 1 or 2, wherein the highlight line creation step comprises a step to collect highlight points contained in a predefined range with regard to given highlight points among the highlight point group and to determine a straight-line direction from the collected highlight points, and the highlight lines are created based on polygonal lines formed by connecting straight-line directions that are determined for each of the highlight lines.

4. The shape evaluation method according to any one of Claims 1 to 3, wherein a direction to be imaginarily defined as the visual recognition direction is changed and a direction for which a curvature of a highlight line, which is an evaluation value used to evaluate the surface shape of an object to be evaluated, becomes the maximum or the minimum is defined as the visual recognition direction.

5. The shape evaluation method according to any one of Claims 1 to 4, wherein the shape recognition step recognizes surface shape data of an object to be evaluated based on a measurement value obtained from a measurement result of the surface shape of the object to be evaluated.

6. The shape evaluation method according to any one of Claims 1 to 4, wherein the shape recognition step recognizes surface shape data of an object to be evaluated by reading imaginary shape data representing a shape of the object to be evaluated.

7. The shape evaluation method according to Claim 6, wherein the representing point extraction step projects a plane containing a point group in which points are arranged at regular intervals on the shape data of an object to be evaluated that is imaginarily constructed and extracts the positions on the shape data at which the point group is projected as the representing points.

8. The shape evaluation method according to Claim 6 or 7, wherein the shape data is corrected based on a result of the evaluation of the surface shape, and the evaluation is performed again.

9. A shape evaluation apparatus to evaluate a surface shape of an object to be evaluated comprising an arithmetic processing portion, the arithmetic processing portion comprising:

5 a portion for recognizing the surface shape of the object to be evaluated based on a measurement value obtained from a measurement result measured by a measurement portion or based on surface shape data stored in a storage area, the surface shape data being obtained when an object to be evaluated is imaginarily constructed;

10 a portion for extracting representing points from the recognized surface shape of the object to be evaluated;

a portion for specifying a shape for a predefined area around the extracted representing point;

15 a portion for defining a light source direction vector with respect to each of the representing points based on a relative position of a light source to radiate light;

a portion for selecting, from among all of the representing points, only representing points for which reflection vectors corresponding to the defined light source direction vectors are contained within a predefined range from a direction defined as a visual recognition direction;

20 a portion for creating by using a group of all of the selected representing points as a highlight point group, a highlight line that is imaginarily generated on the surface of the object to be evaluated based on the highlight point group; and

25 a portion for adding an evaluation point on the created highlight line, approximating a curved line based on the evaluation point, and evaluating the surface shape of the object to be evaluated based on a curvature of the approximated curved line.

10. The shape evaluation apparatus according to Claim 9, comprising a measurement portion to measure surface shape of the object to be evaluated, 30 wherein the portion for recognizing the surface shape of the object to be evaluated recognizes the surface shape based on a measurement value obtained from a measurement result measured by the measurement portion.

11. The shape evaluation apparatus according to Claim 9 or 10, further

comprising a storage area to store surface shape data obtained when an object to be evaluated is imaginarily constructed, wherein the portion for recognizing the surface shape of the object to be evaluated recognizes the surface shape of the object to be evaluated based on the stored surface shape data.

5

12. A three dimension inspection apparatus to inspect a surface shape of an object to be inspected in three dimensions comprising a measurement portion to measure the surface shape of the object to be inspected, the three dimension inspection apparatus comprising an arithmetic processing portion, the arithmetic
10 processing portion comprising:

a portion for recognizing the surface shape of the object to be inspected by the measurement portion;

a portion for extracting representing points from the recognized surface shape of the object to be inspected;

15 a portion for specifying a shape for a predefined area around the extracted representing point;

a portion for defining a light source direction vector with respect to each of the representing points based on a relative position of an imaginary light source to radiate light;

20 a portion for selecting, from among all of the representing points, only representing points for which reflection vectors corresponding to the light source direction vectors that are defined based on the relative position with respect to the light source position are contained within a predefined range from a direction defined as a visual recognition direction;

25 a portion for creating, by using a group of all of the selected representing points as a highlight point group, a highlight line that is imaginarily generated on the surface of the object to be inspected based on the highlight point group; and

a portion for adding an evaluation point on the created highlight line, approximating a curved line based on the evaluation point, and performing an
30 inspection of the surface shape of the object to be inspected based on a curvature of the approximated curved line.

Request for Participation in the Patent Prosecution Highway
U.S. Patent Application Serial No. 12/441,446
Attorney Docket No. 339350US71CTC PCT

Appendix E

Preliminary Amendment



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. |
|--|-------------|----------------------|---------------------|------------------|
| 12/441,446 | 03/16/2009 | Taichi Mita | 339350US26PCT | 2101 |
| 22850 | 7590 | 08/03/2011 | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | AHMED, SAMIR ANWAR | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2624 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 08/03/2011 | ELECTRONIC |

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

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

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

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.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

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

**In re Application of
MITA et al.**

Application No.: 12/441,446

Filed: 16 March 2009

Attorney Docket No.: 339350US26PCT

**For: SHAPE EVALUATION METHOD,
SHAPE EVALUATION DEVICE, AND
3D INSPECTION DEVICE**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 19 July 2011, to make the above-identified application special.

The instant petition was filed using the form for the PCT-PPH agreement with the JPO but has been considered under the PPH agreement with the JPO.

The request and petition are **GRANTED**.

Discussion

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

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

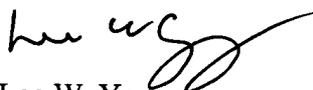
- ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and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

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

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

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

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



Lee W. Young
TQAS, Technology Center 2600



UNITED STATES PATENT AND TRADEMARK OFFICE

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

**BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311**

**MAILED
JAN 05 2012
OFFICE OF PETITIONS**

In re Application of :
Brian S. Vandrak : DECISION ON PETITION
Application No. 12/441,462 : UNDER 37 CFR 1.78(a)(3)
Filed: February 9, 2010 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 21384.49275 :

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed October 11, 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 filed concurrently with the instant petition.

The petition is **DISMISSED**.

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

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

The instant petition does not comply with items (1) and (3) above.

With regards to item (1), when a later-filed application is claiming the benefit of a prior-filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c), the later-filed application must be copending with the prior application or with an intermediate nonprovisional application similarly entitled to the benefit of the filing date of the prior application. Copendency is defined in the clause which requires that the later-filed application must be filed before: (A) the patenting of the prior application; (B) the abandonment of the prior application; or (C) the termination of proceedings in the prior application.

Petitioner has requested benefit of Application No. 10/518,202, which issued into Patent No. 7,300,278 on November 27, 2007. Since the instant application was filed on February 9, 2010, no copendency exists between these two applications. Copendency between the instant application and the prior application is required. Since the applications are not copending, the

benefit claim to the prior-filed nonprovisional is improper. Applicant is required to delete the reference to the prior-filed application from the first sentence(s) of the specification, unless applicant can establish copendency between the applications.

Further, petitioner has requested benefit of Application No. 60/743,757 filed on March 24, 2006. However, this provisional application expired on March 25, 2007. Therefore, since the instant application was filed on February 9, 2010, no copendency exists between these two applications. Copendency between the instant application and the prior application is required. Therefore, since the applications are not copending, the benefit claim to the prior-filed provisional is improper.

Additionally, upon a review of the amendment to the specification submitted with the instant petition, it appears the continuity chain claimed is improper.

When a later-filed application is claiming the benefit of a prior- filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c), the later-filed application must be copending with the prior application or with an intermediate nonprovisional application similarly entitled to the benefit of the filing date of the prior application. Copendency is defined in the clause which requires that the later-filed application must be filed before: (A) the patenting of the prior application; (B) the abandonment of the prior application; or (C) the termination of proceedings in the prior application.

MPEP 201.11(III)(3) states:

If applicant wishes that the pending application have the benefit of the filing date of the first filed application, applicant must, besides making reference to the intermediate application, also make reference to the first application. See *Sticker Indus. Supply Corp. v. Blaw-Knox Co.*, 405 F.2d 90, 160 USPQ 177 (7th Cir. 1968) and *Hovlid v. Asari*, 305 F. 2d 747, 134 USPQ 162 (9th Cir. 1962). The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, filed ---, which is a continuation of Application No. B, filed ---, which claims the benefit of provisional Application No. A, filed ---," then Application No. C must have a reference to Application No. B and provisional Application No. A, and Application No.B must have a reference to provisional Application No. A.

A review of current USPTO records reveals no reference in Application No. 10/518,202 to Application Nos. 10/605,486, 10/051,561, 09/731,156 and 60/169,062.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment correcting the above matters, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required.

With regards to item (3), petitioner has failed to submit a proper unintentional delay statement stating 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.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a statement and substitute amendment, correcting the above matter, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required. No further petition fee is necessary.

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

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

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

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

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

| | |
|-----------------------------|---|
| Electronic Petition Request | PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) |
| Application Number | 12441530 |
| Filing Date | 16-Mar-2009 |
| First Named Inventor | Zhong Chen |
| Art Unit | 1641 |
| Examiner Name | CHRISTOPHER CHIN |
| Attorney Docket Number | T11726.PCT.US |
| Title | METHOD FOR QUANTITATIVE DETECTION OF DIABETES RELATED IMMUNOLOGICAL MARKERS |

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

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

Petition fee

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

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

| | |
|---------------------|---------------|
| Signature | /Weili Cheng/ |
| Name | Weili Cheng |
| Registration Number | 44609 |



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 4, 2012

In re Application of :

Zhong Chen

Application No : 12441530

Filed : 16-Mar-2009

Attorney Docket No : T11726.PCT.US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 4, 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

SOROKER-AGMON ADVOCATE AND PATENT ATTORNEYS
NOLTON HOUSE, 14 SHENKAR STREET
HERZELIYA PITUACH 46725
ISRAEL

MAILED

NOV 24 2010

PCT LEGAL ADMINISTRATION

In re Application of :
Shacham et al. : DECISION ON PETITION
Application No. 12/441,565 :
Filed: March 17, 2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 5134/1.4 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed on August 23, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional and PCT applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

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

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

The petition does not comply with item (1)

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or

more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP Section 201.11, Rev. 2, May 2004, Reference to Prior Application. The amendment filed on 23 August 2010 fails to state the proper relationship of Application No. PCT/IL2007/000089 to the instant application. Specifically, the Decision mailed on March 24, 2009 indicated that the instant application was filed under 35 U.S.C. 111(a); accordingly, it is not "a national phase" of the international application. A proper reference would state whether the instant application is, e.g., a "continuation" of the international application.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and a substitute amendment (complying with 37 CFR 1.121) stating the relationship of the prior-filed application to the instant application is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

/Bryan Lin/
Bryan Lin
PCT 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
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SOROKER-AGMON ADVOCATES AND PATENT ATTORNEYS
NOLTON HOUSE, 14 SHENKAR STREET
HERZELIYA PITUACH 46725
ISRAEL

MAILED

SEP 19 2011

PCT LEGAL ADMINISTRATION

In re Application of :
Shacham et al. : DECISION ON PETITION
Application No. 12/441,565 :
Filed: March 17, 2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 5134/1.4 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 2, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a 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 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 nonprovisional application has been included in an

amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

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

Any inquiries concerning this decision may be directed to the undersigned at the number given. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2113 for appropriate action on the amendment filed 02 December 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

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

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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DANISCO US INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO CA 94304

MAILED

OCT 18 2010

PCT LEGAL ADMINISTRATION

| | | |
|--|---|--------------------|
| In re Application of: | : | |
| BOWER, Benjamin, S., et al. | : | |
| U.S. Application No.: 12/441,574 | : | DECISION ON RENWED |
| PCT No.: PCT/US2007/020484 | : | PETITION UNDER |
| International Filing Date: 21 September 2007 | : | 37 CFR 1.47(a) |
| Priority Date: 22 September 2006 | : | |
| Attorney Docket No.: 30921USUS | : | |
| For: ACETOLACTATE SYNTHASE (ALS) | : | |
| SELECTABLE MARKER FORM | : | |
| TRICHODERMA REESEI | : | |

In a decision mailed by this Office on 25 June 2010, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Nigel DUNN-COLEMAN was dismissed without prejudice.

On 23 August 2010, applicants filed a renewed petition under 37 CFR 1.47(a). The renewed petition was accompanied by an acceptable declaration executed by the previously non-signing inventor, Nigel DUNN-COLEMAN. As noted in the earlier decision, applicants had previously submitted an acceptable declaration executed by the two other inventors of record.

Applicants have now submitted a fully executed declaration in compliance with 37 CFR 1.497. The petition under 37 CFR 1.47(a) is therefore appropriately **DISMISSED AS MOOT**.

It is noted that, on 20 July 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt identifying the 35 U.S.C. 371(c) date as 28 May 2010. However, applicants did not submit the declaration executed by the final inventor, Nigel DUNN-COLEMAN, until 23 August 2010. The correct date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is therefore 23 August 2010.

In view of the above, the "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 20 July 2010 are hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision, including the issuance of

a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt properly identifying the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 23 August 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



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Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

NOV 14 2011

OFFICE OF PETITIONS

In re Application of :
Norifumi Azuma, et al. :
Application No. 12/441,617 : DECISION GRANTING PETITION
Filed: March 17, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. Q112603 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 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 on November 7, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 1736 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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



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PCT LEGAL ADMINISTRATION

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www.uspto.gov

Dann, Dorfman, Herrell & Skillman
1601 Market Street
Suite 2400
Philadelphia, PA 19103-2307

| | | |
|--------------------------------------|---|--------------------------|
| In re Application of | : | |
| DMITRIENKO et al. | : | |
| Application No.: 12/441,622 | : | DECISION ON |
| PCT No.: PCT/CA2008/000515 | : | PAPERS UNDER 37 CFR 1.42 |
| Int. Filing Date: 17 March 2008 | : | |
| Priority Date: None | : | |
| Attorney Docket No.: 3241-P04831US00 | : | |
| For: BATE-LACTAMASE INHIBITORS | : | |

This decision is issued in response to the declaration filed 06 April 2010, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 17 March 2008, applicants filed the above-identified international application. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 September 2009. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 17 September 2010.

On 17 March 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee and a copy of the international application.

On 30 March 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 06 April 2010, applicant submitted a declaration executed by Gary Dmitrienko, Jarrod Johnson, Timothy R. Ramadhar and Sundaiswanatha Viswanatha on behalf of deceased inventor Thammaiah Viswanatha.

On 17 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 06 April 2010.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by "all of the heirs" of the deceased inventor, where no legal representative has been appointed.

The declaration submitted on 06 April 2010 was executed by Sundaiswanatha Viswanatha as "legal representative" to the deceased inventor, Thammaiah Viswanatha. The declaration submitted appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

(2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the declaration must provide the citizenship, mailing address, and residence information for the legal representative and the name and citizenship of the deceased inventor. Here, the filed declaration does not comply with 37 CFR 1.497(b)(2), in that, it does not provide separate citizenship information for the deceased inventor. (See also 37 CFR 1.497(a)(3).)

Because the declaration submitted does not include all the information required by 37 CFR 1.497(b)(2), the declaration cannot be accepted under 37 CFR 1.497 and 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Since the declaration is not in compliance with 37 CFR 1.42 and 1.497(b)(2), the Notification of Acceptance of Application mailed 17 November 2010 is hereby **VACATED**. The Notification of Defective Response mailed 13 September 2010 is hereby withdrawn.

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459



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Commissioner for Patents
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1601 Market Street
Suite 2400
Philadelphia, PA 19103-2307

MAILED

JUL 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
DMITRIENKO et al. :
Application No.: 12/441,622 :
PCT No.: PCT/CA2008/000515 :
Int. Filing Date: 17 March 2008 :
Priority Date: None :
Attorney Docket No.: 3241-P04831US00 :
For: BATE-LACTAMASE INHIBITORS :

DECISION ON
PAPERS UNDER 37 CFR 1.42

In a decision mailed by this Office on 03 December 2010, the declaration filed by applicant on behalf of deceased inventor Thammaiah Viswanatha was dismissed for failure to include all the information required under 37 CFR 1.497.

On 20 January 2011, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 20 January 2011 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Sundaramma Viswanatha as the "legal representative," states his/her relationship to the deceased (i.e., legal representative), and provides Sundaramma Viswanatha's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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LAHIVE & COCKFIELD, LLP
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ONE POST OFFICE SQUARE
BOSTON, MA 02109

MAILED

SEP 15 2010

OFFICE OF PETITIONS

Applicant: Eun-Hee, et al.
Appl. No.: 12/441,626
International Filing Date: September 12, 2007
Title: METHOD AD SYSTEM FOR SERVICE ANNOUNCEMENT USING MBMS
MULTICAST BEARER
Attorney Docket No.: SS7-009US
Pub. No.: US 2009/0264064 A1
Pub. Date: October 22, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 22, 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 on the front page of the publication wherein only one of the two assignees was listed.

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

The error on the front page of the publication wherein only one of the assignees (Samsung Electronics Co., LTD, Suwon-si, Gyeongii-do (KR)) was printed instead of the two assignees (Electronics and Telecommunications Research Institute, Daejon (KR) and Samsung Electronics Co., LTD, Suwon-si, Gyeongii-do (KR)) may be Office error, but it is not a material Office error under 37 CFR 1.221. The printing of only one of the assignee's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the 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. Application should not file requests for corrected publication when a publication includes errors in the assignment information. See MPEP 1130.

On July 14, 2009, a Filing Receipt was mailed by the Office, which only listed one of the assignees name. To avoid this type of problem in the future, applicant's representative should correct the error and make request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to submit the PTO form fillable ADS as an electronic file via EFS - Web and not as a scanned pdf, as the data will auto load into the Office electronic systems.

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

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

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

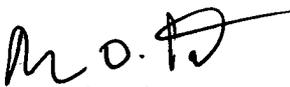
OR

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

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

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
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PITTSBURGH, PA 15222

MAILED

NOV 14 2011

In re Application of :
Takeshi Nishimura :
Application No. 12/441,635 : **OFFICE OF PETITIONS**
Filed: March 17, 2009 : DECISION GRANTING PETITION
Attorney Docket No. 0388-090396 : UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 14, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 1743 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 13, 2012

In re Application of :

Zhong Chen

Application No : 12441710

Filed : 17-Mar-2009

Attorney Docket No : T11715.PCT.US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 13, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

| | | |
|---|---|---|
| Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web | | PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce |
| Electronic Petition Request | PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) | |
| Application Number | 12441710 | |
| Filing Date | 17-Mar-2009 | |
| First Named Inventor | Zhong Chen | |
| Art Unit | 1641 | |
| Examiner Name | CHRISTOPHER CHIN | |
| Attorney Docket Number | T11715.PCT.US | |
| Title | METHOD OF SURFACE PLASMON RESONANCE (SPR) TO DETECT GENOMIC ABERRATIONS IN PATIENTS WITH MULTIPLE MYELOMA | |
| <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (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. | | |
| <p>Petition fee The petition fee under 37CFR 1.17(m) is attached.</p> <p><input checked="" type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p> | | |
| <p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p> | | |
| 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 | /Weili Cheng/ |
| Name | Weili Cheng |
| Registration Number | 44609 |



UNITED STATES PATENT AND TRADEMARK OFFICE

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

KF ROSS PC
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX, NY 10471-0900

MAILED
AUG 17 2010
OFFICE OF PETITIONS

In re Application of
Pietro ALESSIO
Application No. 12/441,734
Filed: March 18, 2009
Attorney Docket No. **24444**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 22, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 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 an amendment, (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3728 for appropriate action by the Examiner in the normal course of business on the reply received July 26, 2010

Thurman K. Page
Petitions Examiner
Office of Petitions



MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

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

| | | |
|--|---|-----------------|
| In re Application of | : | |
| Grainer et al. | : | |
| Application No.: 12/441,786 | : | |
| PCT No.: PCT/CH2007/000472 | : | |
| Int. Filing Date: 26 September 2007 | : | DECISION |
| Priority Date: 26 September 2006 | : | |
| Attorney Docket No.: 102790-309(30251 US) | : | |
| For: Alpha, Beta, Unsaturated Nitriles As Fragrances | : | |

This is in response to the correspondence filed on 18 March 2010.

BACKGROUND

International application PCT/CH2007/000472 was filed on 26 September 2007, claimed an earlier priority date of 26 September 2006, and designated the United States. The period for payment of the basic national fee in the United States expired as of midnight on 26 March 2009. Applicants filed *inter alia* a basic national fee in 12/441,786 on 18 March 2009.

DISCUSSION

Review of the instant application file reveals that the declaration filed on 18 March 2010 was directed toward the national stage under 35 U.S.C. 371 of "PCT/CH2007/000472," while the Electronic Acknowledgment Receipt dated 18 March 2010 shows that applicants indicated "PCT/GB07/00472" was the subject of the submission. The bibliographic information for this case resembles that for PCT/CH2007/000472, not PCT/GB2007/000472. For instance, PCT/CH2007/000472 has the same international filing date, priority date, title and applicant as shown for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

DECISION

The papers filed on 18 March 2010 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice..

Any response must be filed within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**. It would be appropriate to entitle such a response as "Petition Under 37 CFR 1.182."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Application No.: 12/441,786

-2-

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/

George Dombroske

PCT Legal Examiner

Office of PCT Legal Administration

Tel: (571) 272-3283



United States Patent and Trademark Office

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APR 11 2011

PCT LEGAL ADMINISTRATION

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

| | | |
|--|---|----------|
| In re Application of | : | |
| Granier et al. | : | |
| Application No.: 12/441,786 | : | |
| PCT No.: PCT/CH2007/000472 | : | |
| Int. Filing Date: 26 September 2007 | : | DECISION |
| Priority Date: 26 September 2006 | : | |
| Attorney Docket No.: 102790-309(30251 US) | : | |
| For: Alpha, Beta, Unsaturated Nitriles As Fragrances | : | |

This is in response to the petition under 37 CFR 1.182 filed on 01 February 2011.

DISCUSSION

In a Decision mailed on 06 December 2010, the papers filed on 18 March 2010 were not accepted under 35 U.S.C. 371, without prejudice, because of a discrepancy in the identification of the international application number indicated to be entering the national stage.

In response, petitioner "asserts that the present application was filed as a 37 CFR 371 application of PCT/CH2007/000472, as is evidenced in the Application Data Sheet filed with the application filing papers, with which was concurrently filed a copy of PCT/CH2007/000472 (Int'l Publication No. WO 2008/037105)." In addition, "The undersigned submits that the USPTO Acknowledgment Receipt dated 03/18/2009 was in error, and should have indicated 'PCT/CH2007/000472'." Based on the totality of the evidence now of record, it would be appropriate to accept petitioner's statements as to the nature of the discrepancy and the identity of the international application intended to enter the national stage under 35 U.S.C. 371.

The \$400.00 petition fee is being charged to Deposit Account No. 14-1263, per the authorization included in the petition.

Review of the declaration filed on 18 March 2009 reveals that it is defective because it was altered after it was signed (by adding "March 18, 2009").

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of PCT/CH2007/000472. This processing will include the correction of the electronic application file to reflect the correct national stage parentage, and the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : March 14, 2012

In re Application of :

Zhong Chen

Application No : 12441792

Filed : 18-Mar-2009

Attorney Docket No : T11723.PCT.US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed March 14, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

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|-----------------------------|--|
| Electronic Petition Request | PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) |
| Application Number | 12441792 |
| Filing Date | 18-Mar-2009 |
| First Named Inventor | Zhong Chen |
| Art Unit | 1641 |
| Examiner Name | CHRISTOPHER CHIN |
| Attorney Docket Number | T11723.PCT.US |
| Title | METHOD TO DETECT VIRUS RELATED IMMUNOLOGICAL MARKERS FOR THE DIAGNOSIS OF RESPIRATORY TRACT INFECTIONS |

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

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

Petition fee

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

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

| | |
|---------------------|---------------|
| Signature | /Weili Cheng/ |
| Name | Weili Cheng |
| Registration Number | 44609 |



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

DEC 06 2010

PCT LEGAL ADMINISTRATION

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

| | | |
|-------------------------------------|---|----------------------|
| In re Application of | : | |
| HAUGEN | : | DECISION ON |
| Application No.: 12/441,853 | : | |
| PCT No.: PCT/NO07/00316 | : | PETITION |
| Int. Filing Date: 07 September 2007 | : | |
| Priority Date: 18 September 2006 | : | UNDER 37 CFR 1.47(b) |
| Attorney's Docket No.: JHN-10-1786 | : | |
| For: METHOD AND MEANS FOR | : | |
| ENHANCING THE EFFICIENCY OF | : | |
| WATER TURBINES | : | |

This is a decision on Applicant's "Petition under 37 CFR 1.47(b)", filed 28 July 2010 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing inventor JAN HAUGEN. Applicant requests a five month extension of time, which is granted.

BACKGROUND

On 07 September 2007, applicant filed international application No. PCT/NO07/00316 which claimed a priority date of 18 September 2006 and which designated the United States.

On 18 March 2009, prior to the expiration of the 30 month period, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national filing fee.

On 28 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS indicating that the oath or declaration of the inventor must be furnished within two months from the mail date of the notice or the application would be abandoned. Extensions of time were available.

On 28 July 2010, petitioner filed a petition requesting that the above-identified application be accepted under the provisions of 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner has satisfied Item (1) with payment of the \$200 petition fee.

Refusal to Sign

With respect to Item (2), Petitioner provides the statement of Ben Clark, employee of Andritz Inc. (former assignee), for the 37 CFR 1.47(b) petitioner. Mr. Clark states that on 18 January 2010, he sent a complete set of application papers (specification, claims, drawings and declaration via email to Mr. Haugen at his last known email address, requesting that he review the application and sign and return the declaration assignment documents. According to Mr. Clark, Mr. Haugen did not sign the documents nor has he returned them or responded to the email. However, Petitioner did not provide proof that the nonsigning inventor was presented with the application papers and refused to sign them. It is not clear that the nonsigning inventor actually received these documents. The attempts made by applicant are insufficient to conclude that the nonsigning inventor refuses to sign the application. Item (2) is not satisfied.

The statement of the last known address of the nonsigning inventor was submitted, satisfying Item (3).

Petitioner submitted a declaration executed by the 37 CFR 1.47(b) petitioner. The declaration complies with 37 CFR 1.497(a) and (b) setting forth the name of the inventor, his citizenship, residency and mailing address and is executed by the 37 CFR 1.47(b) petitioner, on behalf of the nonsigning inventor. Item (4) is satisfied.

Proprietary Interest in the subject matter

Regarding Item (5), Section 409.03(f) of the MPEP, Proof of Proprietary Interest, states, in part:

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that

- (A) the invention has been assigned to the applicant, or
- (B) the inventor has agreed in writing to assign the invention to the applicant, or
- (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Petitioner provided an ownership assignment agreement between GE infrastructure Technology International and Andritz Technology Management GmbH. However, no assignment from the inventor to the applicant has been presented nor has the inventor agreed in writing to assign the invention to the applicant. As set forth above, Petitioner must demonstrate the proprietary interest by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. *The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved.* A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Item (5) is not satisfied.

Petitioner has not satisfied Item (6) above with the statement showing such action is necessary to preserve the rights of the parties and to prevent irreparable damage.

Accordingly, items (2), (5) and (6) above have not been satisfied and the petition under 37 CFR 1.47(b) must be dismissed.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED WITHOUT PREJUDICE**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Tel: 571-272-3286



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

JAN 10 2012

OFFICE OF PETITIONS

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

In re Application of

Tomoya Ikeuchi et al.

Application No.: 12/441,877

Filed: March 18, 2009

Attorney Docket No.: 1163-0701PUS1

**For: Map Information Processing
Apparatus**

**: 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 requests to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 9, 2011 and the supplemental filed on June 30, 2011, to make the above-identified application special.

The request and petition, filed February 9, 2011 are **DENIED**.

Discussion

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

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

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

The request to participate in the PPH pilot program and petition fails to meet condition (4).

Regarding requirement (4), a final office action was mailed on December 27, 2011. As such the examination of this application has begun.

The petition, filed June 30, 2011, to withdraw the previously filed petition is **DISMISSED AS MOOT**.

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

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


Anthony Knight
Director
Office of Petitions



24 SEP 2010

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

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P. O. Box 3001
BRIARCLIFF MANOR NY 10510

| | | |
|-------------------------------------|---|-------------------|
| In re Application of | : | |
| BOROCZKY, Lilla, et al. | : | |
| Application No.: 12/441,950 | : | DECISION |
| PCT No.: PCT/IB2007/053776 | : | |
| Int. Filing Date: 18 September 2007 | : | ON PETITION UNDER |
| Priority Date: 22 September 2006 | : | |
| Docket No.: 007041US3 | : | 37 CFR 1.47(a) |
| For: ADVANCED COMPUTER-AIDED | : | |
| DIAGNOSIS OF LUNG NODULES | : | |

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 28 July 2010.

BACKGROUND

On 03 February 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 28 July 2010, applicants filed renewed petition under 37 CFR 1.47(a), accompanied by a signed declaration from the previously non-signing inventor and the fee for a four month extension of time.

DISCUSSION

The declarations furnished on 01 December 2009 and 28 July 2010, comply with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT.**

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

MAILED

AUG 16 2011

PCT LEGAL ADMINISTRATION

| | | |
|---------------------------------------|---|----------------------|
| In re Application of | : | |
| MARTIN-VILLÁLBA, et al. | : | |
| U.S. Application No.: 12/442,017 | : | DECISION ON PETITION |
| PCT No.: PCT/EP2007/008167 | : | |
| Int. Filing Date: 19 September 2007 | : | UNDER 37 CFR 1.182 |
| Priority Date: 19 September 2006 | : | |
| Attorney's Docket No.: 2923-936 | : | |
| For: THE DEATH RECEPTOR CD95 CONTROLS | : | |
| NEUROGENESIS OF ADULT NEURAL STEM | : | |
| CELLS IN VIVO AND IN VITRO | : | |

This decision is in response to applicant's response to notification of missing requirements filed 08 July 2011 in the United States Patent and Trademark Office (USPTO). The response is being treated as a petition under 37 CFR 1.182. As authorized, the \$400.00 petition fee will be charged to deposit account number 02-2135.

BACKGROUND

On 19 September 2007, applicant filed international application PCT/EP2007/008167, which claimed priority of an earlier application filed 19 September 2006. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 27 March 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 March 2009.

On 19 March 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Application Data Sheet and a preliminary amendment. Applicant did not file an executed oath or declaration of the inventors.

On 24 June 2009, applicant filed an executed declaration of the inventors.

On 09 May 2011, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was advised that there was a discrepancy between the name of the second inventor as listed on the international application and the filed declaration.

Applicant was given two months to respond.

On 08 July 2011, applicant filed the petition discussed herein.

DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The present petition is accompanied by a marriage certificate that inventor Nina Schreglmann's name has changed to Nina Corsini as a result of marriage. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is **24 June 2009**.



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



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of :
Yoshinori WATANABE :
Application No. 12/442,019 : DECISION GRANTING PETITION
Filed: March 19, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **Q112716** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 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 April 14, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

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

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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

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

Encl: PTO/SB/44



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TD Evans, P.C.
6992 Knolls Ave N
Canastota NY 13032

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Patent No. 7,931,060 :
Issue Date: 04/26/2011 :
Application No. 12/442,022 :
Filed: 03/19/2009 :
Attorney Docket No. 245_416 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 3.81(b) filed July 14, 2011.

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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JAN 12 2011

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

In re application of
Hiroshi Machino
Application No. 12/442,051
Filed: March 19, 2009
For: NAVIGATION 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 November 23, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH pilot program and petition fail to include:
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); Claims 1- 10 was filed on March 19, 2009 are not sufficiently correspond to allowed claims 1- 5 of the JPO application JP2008-548191.

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

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

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 01/11/11



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/442,051 | 03/19/2009 | Hiroshi Machino | 1163-0703PUS1 | 7436 |
| 2292 | 7590 | 01/18/2011 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | BROADHEAD, BRIAN J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3664 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 01/18/2011 | ELECTRONIC |

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

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

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

mailroom@bskb.com



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

In re application of
Hiroshi Machino
Application No. 12/442,051
Filed: March 19, 2009
For: NAVIGATION 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 December 1, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

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

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

- (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, KIPO, CIPO, or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO, CIPO, or KIPO application(s);
- (5) Applicant must submit a copy of the latest Office action from each of the JPO, CIPO, or 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 JPO, CIPO, or KIPO examiner in the JPO, CIPO, or KIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

Applicant should submit a request for a refund of the \$130 petition fee paid since PPH does not require any payment of a petition fee.

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

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 01/13/11



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/442,051 | 03/19/2009 | Hiroshi Machino | 1163-0703PUS1 | 7436 |
| 2292 | 7590 | 03/21/2011 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | O'CONNOR, GERALD J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3686 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 03/21/2011 | ELECTRONIC |

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8 2011

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

In re application of Hiroshi Machino
Application No. 12/442,051
Filed: March 19, 2009
For: NAVIGATION 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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 11, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

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

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 03/17/11



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

| | | | | |
|------------|------------|-----------------|---------------|------|
| 12/442,054 | 03/19/2009 | Hiroshi Machino | 1163-0704PUS1 | 7456 |
|------------|------------|-----------------|---------------|------|

2292 7590 02/22/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

| |
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| EXAMINER |
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DO, TRUC M

| ART UNIT | PAPER NUMBER |
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4128

| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|
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02/22/2011 ELECTRONIC

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FEB 18 2011

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

In re application of
Hiroshi Machino
Application No. 12/442,054
Filed: March 19, 2009
For: NAVIGATION 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 December 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed December 17, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 2/18/11

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 to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

SMITH RISLEY TEMPEL SANTOS LLC
TWO RAVINIA DRIVE, SUITE 700
ATLANTA, GA 30346

HR



**O'BRIEN JONES, PLLC
1951 KIDWELL DRIVE
SUITE 550 B
TYSONS CORNER VA 22182**

**MAILED
OCT 12 2010
OFFICE OF PETITIONS**

| | | |
|--|---|-----------------------------|
| In re Application of | : | |
| HERBER, Geoffrey K. et al. | : | |
| Application No. 12/442,073 | : | DECISION ON PETITION |
| Filed: September 10, 2009 | : | TO WITHDRAW |
| Attorney Docket No. 1038.0002-00000 | : | FROM RECORD |
| | : | |

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 17, 2010.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the name inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened.

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

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



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **J.A. LINDEMAN & CO. PLLC
3190 FAIRVIEW PARK DRIVE
SUITE 480
FALLS CHURCH, VA 22042**



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MAILED
MAR 07 2011

CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20

PCT LEGAL ADMINISTRATION

| | | |
|--|---|--------------------|
| In re Application of: EH, Marcus, et al. | : | |
| U.S. Application No.: 12/442,074 | : | |
| PCT No.: PCT/EP2007/060057 | : | |
| Int. Filing Date: 21 September 2007 | : | DECISION REGARDING |
| Priority Date: 22 September 2006 | : | RENEWED SUBMISSION |
| Attorney's Docket No.: 15637-00075-US | : | (37 CFR 1.42) |
| For: LOW-SULFUR ODORANTS | : | |
| FEATURING IMPROVED | : | |
| STABILITY | : | |

This communication is issued in response to applicants' "Submission Of Revised Declaration" filed on 12 May 2010, treated herein as a renewed submission under 37 CFR 1.42 requesting acceptance of a declaration executed on behalf of deceased inventor Fritz HENKE by the deceased inventor's legal representatives. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 12 March 2010. The decision dismissed without prejudice applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Fritz HENKE. Specifically, the decision stated that the declaration filed by applicants on 19 January 2010 was unacceptable with respect to legal representative Adrian HENKE because it contained non-initialed, non-dated hand-written alterations with respect to this legal representative's address.

On 12 May 2010, applicants filed the "Submission Of Revised Declaration" considered herein, accompanied by a revised declaration from legal representative Adrian HENKE.

DISCUSSION

The revised declaration filed on 12 March 2010 was executed by legal representative Adrian HENKE. The declaration includes all required information, and it does not include any unacceptable hand-written alterations. This declaration may be accepted under 37 CFR 1.42 and 1.497 with respect to this legal representative.

The declaration previously filed by applicants on 19 January 2010 is acceptable with respect to the two other named legal representatives of the deceased inventor.¹ Accordingly, applicants have now submitted acceptable declarations from each of the three legal representatives signing on behalf of deceased inventor Fritz HENKE. Such declarations are appropriately accepted under 37 CFR 1.42 and 1.497.

CONCLUSION

Applicants' renewed request for status under 37 CFR 1.42 with respect to deceased sole inventor Fritz HENKE is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 12 May 2010.

/RichardMRoss/

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

¹ On 19 January 2010, applicants also submitted acceptable declarations executed by the four surviving inventors.



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25226
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

MAILED

DEC 23 2010

PCT LEGAL ADMINISTRATION

In re Application of :
OVESON *et al* :
U.S. Application No.: 12/442,105 :
PCT No.: PCT/SE2006/001098 :
Int. Filing Date: 28 September 2006 :
Priority Date: None :
Attorney Docket No.: 653812000300 :
For: VORTEX GENERATOR :

DECISION

This decision is in response to the request to withdraw as attorney of record and change of correspondence address filed on 25 September 2009.

The request to withdraw as attorney of record is hereby **DISMISSED** as **MOOT**.

Counsel was never appointed in the above application. As such, counsel may not withdraw. The correspondence address has been changed pursuant to 37 CFR 1.33(a)(2) on 10 May 2010.

All future communication will be directed to Customer Number 03624. A copy of this communication will be forwarded to the address of Customer Number 03624.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

cc: VOLPE AND KOENIG, P.C.
United Plaza
30 South 17th Street
Philadelphia, PA 19103



RECEIVED

NOV 16 2010

PCT LEGAL
ADMINISTRATION

The Dow Chemical Company
P.O. BOX 1967
2040 Dow Center
Midland MI 48641

| | | |
|--------------------------------------|---|-----------------------|
| In re Application of | : | |
| KAR, et al. | : | DECISION ON PETITIONS |
| Serial No.: 12/442,117 | : | |
| PCT No.: PCT/US2007/020399 | : | UNDER 37 CFR 1.47(a) |
| Int. Filing Date: 20 September 2007 | : | |
| Priority Date: 22 September 2006 | : | AND 37 CFR 1.137(b) |
| Atty Docket No.: 64082A US | : | |
| For: LIQUID-GAS PHASE REACTOR SYSTEM | : | |

This decision is in response to applicant's petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b) filed 09 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 March 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 12 November 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 19 August 2010, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) for failure to respond to the Form PCT/DO/EO/905 mailed 12 November 2009.

On 09 September 2010, applicant filed the petitions discussed herein.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or

cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1, 3 and 4.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

In the present case, applicant has stated that a complete set of application papers and declaration was mailed to the non-signing inventor at his last known address and to date the inventor has not responded. However, in the present case the last known address appears to be that of a corporation as the delivery location on the FedEx tracking sheet shows that the parcel was delivered to the "receptionist/front desk" and signed for by CENTORRINO whereas the non-signing inventor's name is Piras. In addition, applicant any email correspondence between the parties so as to confirm that the email address used is valid for Mr. Piras. As such, further more information it is not possible to consider the silence of the inventor as a refusal as there is a question as to whether Mr. Piras ever received the papers.

Applicant is further directed again to MPEP 409.03(d) which states that "Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts."

In the present case should applicant show that it is not possible to obtain any additional contact information or mailing address for Mr. Piras than this last item would be considered satisfied.

II. Petition Under 37 CFR 1.137(b)

The petition under 37 CFR 1.137(b) is dismissed. Applicant has provided payment of the appropriate petition fee and a statement detailing the unintentional nature of the abandonment. However, a proper response to the Form PCT/DO/EO/905 in the form of a compliant oath or declaration under 37 CFR 1.497(a)-(b) or a grantable petition under 37 CFR 1.47 has not be provided.

In light of the above, it is not possible to grant applicant's petitions at this time.

CONCLUSION

For the reasons stated above, applicant's petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b) are **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petitions Under 37 CFR 1.47(a) and 37 CFR 1.137(b)." No additional petition fees are required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.



Derek A. Putonen
Attorney Advisor
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Tel: 571-272-3294



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JAN 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KAR, et al. : DECISION ON PETITIONS
Serial No.: 12/442,117 :
PCT No.: PCT/US2007/020399 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 20 September 2007 :
Priority Date: 22 September 2006 : AND 37 CFR 1.137(b)
Atty Docket No.: 64082A US :
For: LIQUID-GAS PHASE REACTOR SYSTEM :

This decision is in response to applicant's response filed 24 November 2010 in the United States Patent and Trademark Office (USPTO) which is being treated as renewed petitions under 37 CFR 1.47 and 37 CFR 1.137(b). No additional petition fees are required.

BACKGROUND

On 16 November 2010, applicant was mailed a decision dismissing applicant's petitions under 37 CFR 1.47 and 37 CFR 1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 24 November 2010, applicant filed the response discussed herein.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

As detailed in the decision mailed 16 November 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the filing of the present paper and supporting documentation, the remaining element has been satisfied and it is proper to grant applicant's petition at this time.

II. Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a grantable petition under 37 CFR 1.47(a). Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

For the reasons stated above, applicant's petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b) are **GRANTED**.

The application has an international filing date of 20 September 2007 under 35 U.S.C. 363, and will be given a date of **09 September 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Luciano Piras
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MAILED

JAN 11 2011

PCT LEGAL ADMINISTRATION

In re Application of
KAR, et al.
Serial No.: 12/442,117
PCT No.: PCT/US2007/020399
Int. Filing Date: 20 September 2007
Priority Date: 22 September 2006
Atty Docket No.: 64082A US
For: LIQUID-GAS PHASE REACTOR SYSTEM

Dear Mr. Piras:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Counsel of Record:
The Dow Chemical Company
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UNITED STATES OF AMERICA



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FEB 22 2011

PCT LEGAL ADMINISTRATION

David W. Hight, VP & Chief IP Counsel
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In re Application of: :
NEALE, Kevin, David, et al. :
U.S. Application No.: 12/442,174 :
PCT No.: PCT/IB2007/003782 :
International Filing Date: 19 September 2007 :
Priority Date: 20 September 2006 :
Atty's Docket No.: P-7337 (102-736 PCT/US) :
For: INJECTION DEVICE PREVENTING :
THE RETURN OF THE PISTON :
WHEN THE SAFETY SYSTEM IS :
DEPLOYED :

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition For Joint Inventor Filing On Behalf Of Another Joint Inventor Who Refuses To Join In Application Or Cannot Be Reached (37 C.F.R. §1.47(a))" filed 16 July 2010. Applicants have submitted \$130 as the petition fee; however, the applicable petition fee is \$200. Deposit Account No. 02-1666 will be charged the additional \$70 required to complete the \$200 petition fee.

BACKGROUND

On 19 September 2007, applicants filed international application PCT/IB2007/003782. The international application claimed a priority date of 20 September 2006, and it designated the United States. On 27 March 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 March 2009.

On 20 March 2009, applicants' filed materials for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 17 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 15 April 2010, applicants filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge and a partially executed declaration.

On 28 April 2010, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed on 15 April 2010 was defective because it was not signed by the first inventor, Kevin David NEALE.

On 16 July 2010, applicants filed the "Petition For Joint Inventor Filing On Behalf Of Another Joint Inventor Who Refuses To Join In Application Or Cannot Be Reached (37 C.F.R. §1.47(a))" considered herein. The petition seeks acceptance of the application without the signature of inventor Kevin David NEALE, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have paid the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Kevin David NEALE. However, the declaration fails to properly identify the inventors of record herein. Specifically, the declaration identifies the second inventor as Eric DOMINICY-LENOBLE; the name of record for this inventor, as set forth on the published international application, is Eric DOMINICY. See MPEP section 1893.01(e):

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of

a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The difference between the second inventor's name listed on the declaration (Eric DOMINICY-LENOBLE) and the inventor's name of record (Eric DOMINICY) is more than a mere typographical error. Accordingly, a grantable petition under 37 CFR 1.182 is required to change the name of record for this inventor. Until such a petition is submitted, the present declaration may not be accepted in satisfaction of the declaration requirement of a grantable petition under 37 CFR 1.47(a). Accordingly, item (3) is not satisfied on the present record.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a statement from Donna M. Baumann, with accompanying supporting documents, indicating that requests for signature, accompanied by a copy of the complete application, were delivered via courier to the non-signing inventor at his last known address and that the inventor has failed to provide the requested signature in response to such requests. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

Based on the above, applicants have not satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately dismissed.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (3) of a grantable petition, as discussed above and in the MPEP, that is, a grantable petition under 37 CFR 1.182 to change the name of record for the second inventor from Eric DOMINICY to Eric DOMINICY-LENOBLE (so as to permit acceptance of the declaration filed 15 April 2010).

It is noted that the present petition under 37 CFR 1.47(a) was filed on 16 July 2010, after the expiration of the non-extendable one-month time limit provided in the "Notification Of Defective Response" mailed 28 April 2010. Accordingly, Deposit Account No. 02-1666 will be

charged the five-month extension fee required for the present petition to be considered a timely response to the Notification Of Missing Requirements mailed 17 December 2009, as necessary to avoid abandonment of the present application.

No additional petition fee is required with respect to any renewed petition under 37 CFR 1.47(a) submitted by applicants herein; however, there is a \$400 petition fee applicable to the petition under 37 CFR 1.182 required to change the name of record for the second inventor.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
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Telephone: (571) 272-3296



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JUN 01 2011

PCT LEGAL ADMINISTRATION

David W. Highet, VP & Chief IP Counsel
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1 Becton Drive, MC 110
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In re Application of: :
NEALE, Kevin, David, et al. :
U.S. Application No.: 12/442,174 :
PCT No.: PCT/IB2007/003782 :
International Filing Date: 19 September 2007 :
Priority Date: 20 September 2006 :
Atty's Docket No.: P-7337 (102-736 PCT/US) :
For: INJECTION DEVICE PREVENTING :
THE RETURN OF THE PISTON :
WHEN THE SAFETY SYSTEM IS :
DEPLOYED :

DECISION ON RENEWED
PETITION UNDER 37 CFR 1.47(a)
AND PETITION UNDER
37 CFR 1.182

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. §1.47(a)" and "Petition Under 37 CFR 1.182" filed 22 April 2011. No additional fee is required with respect to the renewed petition under 37 CFR 1.47(a); Deposit Account No. 02-1666 will be charged the \$400 petition fee required for the petition under 37 CFR 1.182.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 22 February 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that the declaration filed by applicants was not acceptable because the name of the second inventor on the declaration (Eric DOMINICY-LENOBLE) did not correspond to this inventor's name of record (Eric DOMINICY). The decision indicated that a grantable petition under 37 CFR 1.182 to correct the inventor's name of record was required before the declaration could be accepted and the petition under 37 CFR 1.47(a) granted.

On 22 April 2011, applicants filed the renewed petition under 37 CFR 1.47(a) and the petition under 37 CFR 1.182 considered herein.

DISCUSSION

1. Petition Under 37 CFR 1.182

The petition under 37 CFR 1.182 confirms that the correct name of the second inventor is Eric DOMINICY-LENOBLE, as set forth in the declaration. The petition also states that the

inventor's name did not change after the filing of the international application; rather, the name was inadvertently incorrectly listed on the international application. Finally, the petition includes the authorization to charge Deposit Account No. 02-1666 the required petition fee. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to correct the name of record for the second inventor from Eric DOMINICY to Eric DOMINICY-LENOBLE.

As set forth in MPEP section 605.04(c), applicants are strongly encouraged to file a supplemental application data sheet (ADS) correctly identifying the inventor in order to insure that the inventor's name will be correctly listed on any patent issued herein.

2. Renewed Petition Under 37 CFR 1.47(a)

In view of the above correction of the name of record for the second inventor, the declaration filed on 15 April 2010, which was executed by the second inventor and includes an unsigned signature block for the non-signing inventor, Kevin David NEALE, can now be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. The declaration therefore satisfies the declaration requirement of a grantable petition under 37 CFR 1.47(a).

Based on the above and the previous decision, applicants have now satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately granted.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for the second inventor from Eric DOMINICY to Eric DOMINICY-LENOBLE is **GRANTED**.

Applicants' renewed petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Kevin David NEALE is **GRANTED**.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 April 2010.

/RichardMRoss/

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



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JUN 01 2011

PCT LEGAL ADMINISTRATION

Kevin David NEALE
43 Wiltshire Avenue
Swindon SN2 1NX
UNITED KINGDOM

In re Application of: NEALE, Kevin, David, et al.

U.S. Application No.: 12/442,174

PCT No.: PCT/IB2007/003782

International Filing Date: 19 September 2007

Priority Date: 20 September 2006

Attorney's Docket No.: P-7337 (102-736 PCT/US)

For: INJECTION DEVICE PREVENTING THE RETURN OF THE PISTON WHEN THE
SAFETY SYSTEM IS DEPLOYED

Dear Mr. NEALE:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

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

Counsel Of Record:

David W. Highet, VP & Chief IP Counsel
Becton, Dickinson and Company
(Hoffman & Baron)
1 Becton Drive, MC 110
Franklin Lakes NJ 07417-1880



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COMMISSIONER FOR PATENTS
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555 WEST FIFTH STREET
31ST FLOOR
LOS ANGELES, CA 90013

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

| | | |
|--|---|----------|
| In re Application of SELLIN et al | : | |
| U.S. Application No.: 12/442,188 | : | |
| PCT Application No.: PCT/EP2007/008246 | : | DECISION |
| Int. Filing Date: 21 September 2007 | : | |
| Priority Date Claimed: 22 September 2006 | : | |
| Attorney Docket No.: 7896-101 | : | |
| For: COATED IMPLANT | : | |

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed on 06 October 2010.

BACKGROUND

On 21 September 2007, applicant filed international application PCT/EP2007/008246, which claimed priority of an earlier Germany application filed 22 September 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 27 March 2008. The thirty-month period for paying the basic national fee in the United States expired on 23 March 2009.

On 20 March 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 04 September 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 January 2010, applicant filed a petition under 37 CFR 1.497(d).

On 06 April 2010, this Office mailed a decision dismissing the 26 January 2010 petition.

On 06 October 2010, applicant filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Heike Mertsching should be deleted as an inventor.

37 CFR 1.497(d) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Applicant previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, written consent of the assignee has been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 September 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 October 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------|-------------|----------------------|---------------------|------------------|
| 12/442,234 | 03/20/2009 | Hidenori Yabushita | 14372/12 | 8846 |
| 23838 | 7590 | 09/07/2011 | EXAMINER | |
| KENYON & KENYON LLP | | | PATEL, SHARDUL | |
| 1500 K STREET N.W. | | | ART UNIT | PAPER NUMBER |
| SUITE 700 | | | 3661 | |
| WASHINGTON, DC 20005 | | | MAIL DATE | DELIVERY MODE |
| | | | 09/07/2011 | PAPER |

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re application of
Yabushita et al.
Application No. 12/442,234
Filed: March 20, 2009
For: PATH PLANNING DEVICE AND
METHOD, COST EVALUATION
DEVICE, AND MOVING BODY

: **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 June 01, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 09/06/11

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

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

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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

| | | |
|------------------------------------|---|-------------------------|
| Attorney Docket Number: AA 1805 US | Application Number (if known): 12442265 | Filing date: 2009-12-21 |
|------------------------------------|---|-------------------------|

First Named Inventor: Andrew Francis Chiffey

Title: Washcoated Particulate Filter Substrate

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 /Stephen J. Driscoll/ | Date 2011-01-26 |
|---------------------------------|-----------------|

| | |
|--|---------------------------|
| Name Stephen J. Driscoll (Print/Typed) | Registration Number 37564 |
|--|---------------------------|

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.

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**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

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

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

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

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

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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 12/442,265 | 12/21/2009 | Andrew Francis Chiffey | AA 1805 US | 9046 |
| 95567 | 7590 | 02/02/2011 | EXAMINER | |
| RatnerPrestia (JM) P.O. Box 980 Valley Forge, PA 19482-0980 | | | ART UNIT | PAPER NUMBER |
| | | | 3748 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 02/02/2011 | PAPER |

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

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



RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

| | | |
|-------------------------------|---|-----------------------|
| In re Application of | : | |
| CHIFFEY, ANDREW FRANCIS et al | : | DECISION ON PETITION |
| Application No. 12/442,265 | : | TO MAKE SPECIAL UNDER |
| Filed: March 20, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. AA1805US | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed Jan. 26, 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 # 4 and #8.

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. For example, it is not clear how the claimed conventional filter substrate coated with a washcoat will provide and enhance the quality of the environment or contribute to energy conservation or greenhouse gas reduction. It is also noted dependent claims 9-11 are merely directed an internal combustion engine which has nothing to do with claim 1 (4th paragraph of 35 USC 112).

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

The application is currently undergoing pre-examination processing. The application will be forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Chiffey et al.

Application No.: 12/442,265

Confirmation No.: 9046

Docket No.: AA 1805 US

Filed: December 21, 2009

Title: Washcoated Particulate Filer Substrate

Examiner: (Unknown)

Art Unit: (not yet available)

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

PETITION FOR RECONSIDERATION

This is in response to the Decision on Petition to Make Special Under the Green Technology Pilot Program dated February 2, 2011, having a period for response set to expire on March 4, 2011.

Applicant hereby requests early publication and authorizes the Commissioner to charge the requisite fees to Applicant's Deposit Account No. 50-4364.

As required by the Decision, Applicant submits herewith a Statement of Materiality of Claim Invention to More Efficient Utilization and Conservation of Energy Resources.

The Commissioner is hereby authorized to charge any fees, which may be required, any deficiencies that may arise, and to credit any overpayment, which may be owed to Applicant in connection with this Action and application in general to Deposit Account No. 50-4364.

Respectfully submitted,

Date: March 4, 2011

/Stephen J. Driscoll/
Stephen J. Driscoll
Registration No. 37,564

SAUL EWING LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2189
Telephone: 215 972 7872
Email: SDriscoll@saul.com

THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of Chiffey et al.

Application No.: 12/442,265

Confirmation No.: 9046

Docket No.: AA 1805 US

Filed: December 21, 2009

Title: Washcoated Particulate Filter Substrate

Examiner: (Unknown)

Art Unit: (not yet available)

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

**Statement of Materiality of Claim Invention to
More Efficient Utilization and Conservation of Energy Resources**

The claimed invention is directed at an improved exhaust system for an internal combustion engine. Specifically, the system provides for a more robust particulate filter without increasing back pressure in the exhaust. Increased back pressure results in increased fuel consumption. Therefore, the claimed invention improves filter performance without sacrificing fuel economy.

As discussed in ¶¶0002-04, particulate filter substrates are used to treat exhaust gases. Periodically, particulate matter (PM) trapped in the filter must be combusted to clear the filter. This is called filter regeneration. One form of active filter regeneration is to introduce intermittently additional hydrocarbon fuel into the exhaust gas and to combust this in order to increase the filter temperature. During regeneration, the filter may need to reach temperatures of approximately 600C burn PM to be removed (combusted) at a sufficient rate.

Such high temperatures can pose significant problems if the engine conditions change. As set forth in ¶0005:

[I]f during an active regeneration event, a period of low exhaust gas flow occurs, e.g. when the engine/vehicle is caused to idle, the reduced gas flow prevents heat from being removed from the CSF. This can result in parts of the filter reaching

temperatures in excess of 1000C. . . . Such high temperatures can cause two major problems. Firstly, the catalyst can sinter, reducing its surface area and as a consequence catalyst activity is lost. Secondly, high thermal gradients can occur in the substrate leading to mechanical stress caused by differences in thermal expansion. Under extreme conditions the thermal gradients and stresses can cause substrates to crack thereby resulting in a failure of the integrity of the CSF. . .

Therefore, during regeneration, the PM filter substrate can be damaged if engine conditions change.

To prevent the filter from reaching such damagingly high temperatures, a heavier filter substrate can be selected. This solution however has problems as mentioned in ¶0008:

[I]ncreasing the mass of, e.g. a cordierite wall flow filter, results in the material containing fewer pores and this in turn undesirably increases back pressure in the system. Increased back pressure results in increased fuel consumption and potentially the necessity for more frequent active regenerations.

The claimed invention avoids the backpressure problems while increasing the mass of the filter by using a high density washcoat. As set forth in ¶¶0009, 0011

We have now devised a means of selectively increasing the mass of a filter substrate without increasing the back pressure to the extent observed in higher mass filter substrates or the use of thicker washcoats.

. . .

The present invention provides a number of very useful advantages. A first advantage is that it increases the design options of the skilled engineer to balance the competing concerns of increased thermal mass and filter porosity at a fraction of the cost of developing and manufacturing a custom substrate filter, and without the attendant problems discussed hereinabove. By washcoating a filter substrate, the porosity of the substrate will decrease. However, by selecting an appropriate particle size for the washcoat materials dependent on the pore size of the filter substrate, the skilled engineer is able to reduce pore blocking and any substantial increases in backpressure. We prefer, for example, to use a washcoat having a particle size D90 of <15µm , such as <10µm e.g. <5 µm, to prevent filter pore blockage.

Therefore, by providing a filter with more mass, but without increasing backpressure, the claimed invention results in a conservation of fuel. Claim 1 is directed to a particular filter as described above, while claims 9-11 depend from claim 1 and are directed to an engine comprising the filter of claim 1.

Respectfully submitted,

Date: March 4, 2011

/Stephen J. Driscoll/
Stephen J. Driscoll
Registration No. 37,564

SAUL EWING LLP
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Telephone: 215 972 7872
Email: SDriscoll@saul.com



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 12/442,265 | 12/21/2009 | Andrew Francis Chiffey | AA 1805 US | 9046 |
| 95567 | 7590 | 03/16/2011 | EXAMINER | |
| RatnerPrestia (JM) P.O. Box 980 Valley Forge, PA 19482-0980 | | | ART UNIT | PAPER NUMBER |
| | | | 3748 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 03/16/2011 | PAPER |

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RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

In re Application of
CHIFFEY, ANDREW FRANCIS et al : DECISION ON PETITION
Application No. 12/442,265 : TO MAKE SPECIAL UNDER
Filed: March 20, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. AA1805US : PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed March 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **denied**.

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

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.

A review of the record shows that the instant renewed petition was filed more than one month after the mailing date of the last decision of Feb. 2, 2011. The petition is not timely filed since the petition was not filed within one month of the last decision. As the renewed petition was not timely filed, the request to make the current application special under the green technology program will not be granted.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application is being forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

Since this is a decision for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| RatnerPrestia (JM) P.O. Box 980 Valley Forge, PA 19482-0980 | | | ART UNIT | PAPER NUMBER |
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| | | |
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| In re Application of | : | |
| CHIFFEY, ANDREW FRANCIS et al | : | DECISION ON PETITION |
| Application No. 12/442,265 | : | TO MAKE SPECIAL UNDER |
| Filed: March 20, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. AA1805US | : | PILOT PROGRAM |

It was discovered that the renewed petition filed on March 4, 2011 was timely within the 30 days time period set for request for reconsideration. Therefore, the decision mailed on March 16, 2011 was in error and is hereby vacated.

This is a decision on the renewed petition under 37 CFR 1.102, filed March 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

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

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

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

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

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

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

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

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Seefeldt, Alan et al.

Serial No. : 12/442,359

Filing Date : March 20, 2009

Title : Audio Dynamics Processing using a Reset

Confirmation No.: 9596

Customer No. 88862

Examiner : Unassigned

Art Unit: 2614

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

December 17, 2010

Petition for Advancement of Examination

Sir,

This is a petition under 37 C.F.R. § 1.102.

Special status for examination of the above-identified application is being requested under the Project Exchanged/Patent Application Backlog Reduction Stimulus Plan. In particular, this is a petition the above-identified application be advanced out of turn for examination under the Project Exchanged/Patent Application Backlog Reduction Stimulus Plan in accordance with the requirements set forth at 75 Fed. Reg. 36063 (June 24, 2010) and 74 Fed. Reg. 62285 (November 27, 2009). The basis under which special status is being sought is the express abandonment of another copending application (identified below). Applicant has not filed petitions in more than fourteen other applications requesting special status under the Project Exchanged/Patent Application Backlog Reduction Stimulus Plan.

The present application is a nonprovisional application that has actual filing date earlier than

October 1, 2009. Applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 C.F.R. § 1.53, namely application S.N. 11/846,421, filed 8/28/2007.

The present application for which special status is sought and the other copending nonprovisional application were owned by the same party, namely Dolby Laboratories Licensing Corporation.

Applicant is concurrently filing a letter of express abandonment under 37 C.F.R. § 1.138(a) in the above-identified copending nonprovisional application before it has been taken up for examination. Applicant is not and will not use the express abandonment of said application S.N. 11/846,421, filed 8/28/2007, to form the basis for more than one petition under 37 C.F.R. § 1.102. A copy of the letter of express abandonment accompanies this petition. Applicant is including the following statements in the letter of express abandonment:

- a) 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;
- b) a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- c) 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 (wherein the phrase “same invention” has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101).

Applicant agrees to make an election without traverse in a telephone interview if the U. S. Patent and Trademark Office determines that the claims of this application to be made special are directed to two or more independent and distinct inventions (see 35 U.S.C. § 121, 37 C.F.R. § 1.141-142).

Applicant understands that the requirement for a fee to consider a petition to make special for application pertaining to Project Exchanged/Patent Application Backlog Reduction Stimulus Plan has been waived by the U. S. Patent and Trademark Office.

Attorney Docket. No. DOL196US

Respectfully submitted,

/ Heath Hoglund/

Heath Hoglund

Reg. No. 41,076

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Eye, Randl et al.

Serial No. : 11/846,421

Filing Date : August 28, 2007

Title : LOCAL CONTENT SECURITY SYSTEM

Confirmation No.: 1360

Customer No. 23823

Examiner : CALLAHAN, PAUL E

Art Unit: 2437

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

December 17, 2010

EXPRESS ABANDONMENT

This is a petition under 37 C.F.R. §1.138.

The Applicant requests that the above-identified application be expressly abandoned as of the filing date of this paper. This Express Abandonment is being filed concurrently with a petition under 37 C.F.R. §1.102 requesting that an applicant's copending application SN - 12/442,359, filed 03-20-2009, be accorded special status under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan.

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.

Applicant agrees not to request a refund of any fees paid in this expressly abandoned application.

Applicant has not and will not file a new application that claims the same invention

Attorney Docket. No. CIN 1005-15U2

claimed in the expressly abandoned application (wherein the phrase “same invention” has the same meaning as used in the context of statutory double patenting under 35 U.S.C. § 101).

Respectfully submitted,

/Heath Hoglund/

Heath Hoglund

Reg. No. 41,076

Electronic Acknowledgement Receipt

| | |
|---|-------------------------------|
| EFS ID: | 9059528 |
| Application Number: | 11846421 |
| International Application Number: | |
| Confirmation Number: | 1360 |
| Title of Invention: | Local Content Security System |
| First Named Inventor/Applicant Name: | Randal Eye |
| Customer Number: | 23823 |
| Filer: | Heath W. Hoglund/Migi Guo |
| Filer Authorized By: | Heath W. Hoglund |
| Attorney Docket Number: | 1005-15U2 |
| Receipt Date: | 17-DEC-2010 |
| Filing Date: | 28-AUG-2007 |
| Time Stamp: | 11:11:26 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|---|---------------------------------------|--|------------------|------------------|
| 1 | Letter Express Abandonment of the application | CIN1005-15U2-20101217-Abandonment.pdf | 20089 <small>1e459d4f86733722e1690c02cd6bfaa448d69c30</small> | no | 2 |

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



Dolby Laboratories Inc.
100 Potrero Avenue
San Francisco CA 94103-4938

MAILED

JAN 14 2011

OFFICE OF PETITIONS

| | | |
|--------------------------------------|---|----------------------|
| In re Application of | : | |
| SEEFELDT, et al. | : | DECISION ON PETITION |
| Application No. 12/442,359 | : | TO MAKE SPECIAL |
| Filed: March 20, 2009 | : | 37 CFR 1.102 |
| Attorney Docket No. DOL196 US | : | |

This is a decision on the petition under 37 CFR 1.102, filed December 17, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

- c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
- b) identifies, by application number if available, the application that is being expressly abandoned;
- c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
- d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

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

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

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

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

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


Brian W. Brown
Petitions Examiner
Office of Petitions

| | |
|-----------------------------|---|
| Electronic Petition Request | PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) |
| Application Number | 12442379 |
| Filing Date | 20-Mar-2009 |
| First Named Inventor | Zhong Chen |
| Art Unit | 1641 |
| Examiner Name | CHRISTOPHER CHIN |
| Attorney Docket Number | T11724.PCT.US |
| Title | METHOD FOR THE QUANTITATIVE EVALUATION OF SEX HORMONES IN A SERUM SAMPLE |

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

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

Petition fee

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

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

| | |
|---------------------|---------------|
| Signature | /Weili Cheng/ |
| Name | Weili Cheng |
| Registration Number | 44609 |



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 4, 2012

In re Application of :

Zhong Chen

Application No : 12442379

Filed : 20-Mar-2009

Attorney Docket No : T11724.PCT.US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed January 4, 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

Decision Date : March 14, 2012

In re Application of :

Zhong Chen

Application No : 12442381

Filed : 20-Mar-2009

Attorney Docket No : T11725.PCT.US

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed March 14, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

| | |
|-----------------------------|---|
| Electronic Petition Request | PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) |
| Application Number | 12442381 |
| Filing Date | 20-Mar-2009 |
| First Named Inventor | Zhong Chen |
| Art Unit | 1641 |
| Examiner Name | CHRISTOPHER CHIN |
| Attorney Docket Number | T11725.PCT.US |
| Title | METHOD FOR QUANTITATIVE MEASUREMENT OF THYROID RELATED ANTIBODIES OR ANTIGENS IN A SERUM SAMPLE |

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

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

Petition fee

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

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

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

- Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

| | |
|---------------------|---------------|
| Signature | /Weili Cheng/ |
| Name | Weili Cheng |
| Registration Number | 44609 |



UNITED STATES PATENT AND TRADEMARK OFFICE

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

EDWARD A. KASSEL
834 WHISPER FALLS LN
MENASHA, WI 54952

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of
Edward A. Kassel
Application No. 12/442,425
Filed: March 23, 2009
Attorney Docket No. 4488-004

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 14, 2011.

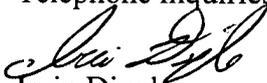
The request is **APPROVED**.

The request was signed by Jordan Herzog on behalf of the practitioners of record associated with Customer Number 51500.

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

All future correspondence will be directed to inventor Edward A. Kassel.

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

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 |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/442,425 | 03/23/2009 | Edward A. Kassel | 4488-004 |

EDWARD A. KASSEL
834 WHISPER FALLS LN.
MENASHA, WI 54952

CONFIRMATION NO. 1387
POWER OF ATTORNEY NOTICE



0000000048571930

Date Mailed: 07/05/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/14/2011.

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

/idingle/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/442,425 | 03/23/2009 | Edward A. Kassel | 4488-004 |

EDWARD A. KASSEL
834 WHISPER FALLS LN.
MENASHA, WI 54952

CONFIRMATION NO. 1387
POA ACCEPTANCE LETTER



Date Mailed: 07/05/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/14/2011.

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

/s/ idingle/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

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

MAILED
DEC 08 2011

In re Application of :
Voigtmann :
Application No. 12/442,449 :
Filed: July 7, 2009 :
Attorney Docket No. DMB-2590-284 :
Title of Invention: PROCESS FOR THE :
INTERNAL WELDING OF PLASTIC TUBES :

OFFICE OF PETITIONS
DECISION ON PETITION

This is in response to the "PETITION UNDER 37 CFR §1.47(b)". This petition is properly treated as a waiver under 37 CFR 1.183 of requirement for a fully executed supplemental Declaration under 37 CFR 1.67 filed October 30, 2011.¹

The petition is **Dismissed**.

Any request for reconsideration should be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

The above-identified application was filed on July 7, 2009. An executed declaration was submitted on July 7, 2009. The August 31, 2011 Notice of Allowability required a supplemental declaration.

¹ Petitions under 37 CFR 1.47 are only applicable to an original oath or declaration and are not applicable to the re-execution of another oath or declaration by an inventor who executed the original declaration.

Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather the remedy for treating an inventor's refusal to sign a supplemental declaration is waiver of 37 CFR 1.67. See MPEP 603.

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. It is appropriate to apply the principles of 37 CFR 1.47 thereof to the situation at hand. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate and on behalf of the non-signing inventor. See MPEP 409.03(a). If there are no joint inventor(s), then the party with sufficient proprietary interest must sign the supplemental declaration on behalf of the nonsigning inventor. See MPEP § 409.03(b).

In order for a petition under 37 CFR 1.183 to be granted to waive this requirement that inventor Voigtmann sign the supplemental declaration, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

Petitioner has failed to demonstrate that inventor Voigtmann has refused to join in the filing of the above-identified application after having been presented with the supplemental declaration. Petitioner must demonstrate with documented evidence that an inventor refuses to sign the supplemental declaration after having been presented with the supplemental declaration. Petitioner has failed to provide sufficient evidence to demonstrate the supplemental declaration was presented to the non-signing inventor. Where it cannot be established that the supplemental declaration was received, the Office cannot find that the inventor's failure to respond can be construed as refusal if it cannot be verified that the supplemental declaration was received.

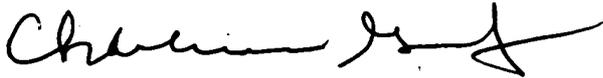
Unless petitioner can show that the supplemental declaration was presented to the non-signing inventor, then petitioner will have to mail a copy of the supplemental declaration to the last known address of the inventor, return receipt requested. A cover letter of instructions should accompany the mailing of the supplemental declaration setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc. See MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted by the electronic filing system (EFS).

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

A handwritten signature in black ink, appearing to read "Charlema Grant", with a stylized flourish at the end.

Charlema Grant
Petition 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

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

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of :
Voigtmann : DECISION ON PETITION
Application No. 12/442,449 :
Filed: July 7, 2009 : :
Attorney Dkt: DMB-2590-284 :
For: PROCESS FOR THE INTERNAL :
WELDING OF PLASTIC TUBES :

Papers have been filed on February 8, 2012, in response to a Decision Under 37 CFR 1.183 seeking waiver for filing a fully executed a supplemental declaration mailed January 18, 2012, and include a Declaration that is signed by a previously non-signing inventor, Voigtmann, in compliance with 37 CFR 1.67.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.183 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 is being referred to the Office of Data Management for further processing in the normal course of business.

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


Charlema Grant
Attorney Advisor
Office of Petitions



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

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of :
Bowen : DECISION ON PETITION
Application No. 12/442,479 :
Filed: May 5, 2009 :
Atty. Dkt. No.: 50552/008001 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed December 9, 2011.

The Notice of Abandonment mailed November 17, 2011 indicated that the application was abandoned for failure to timely submit a proper reply to the final Office action mailed February 24, 2011. Petitioner, however, argue that a Notice of Appeal was timely filed May 20, 2011. Petitioner further argues that the Notice of Abandonment was mailed prior to the maximum period of time for submission of either an appeal brief or request for continued examination.

Petitioner's arguments have been carefully reviewed and found convincing. In view thereof, the holding of abandonment is hereby WITHDRAWN and the Notice of Abandonment is VACATED.

In view thereof, the petition under 37 CFR 1.181 is hereby GRANTED.

The application file is being forwarded to Group Art Unit 2839 to await the submission of a proper reply in response to the Notice of Appeal filed May 20, 2011.

Failure to submit a proper reply to the Notice of Appeal (and required extension of time fees), prior to the expiration of the maximum period of time for reply (in this instance December 20, 2011) will result in the application of the application. The submission of the instant petition and the rendering of this decision on petition does not the time period set for reply in furtherance of the Notice of Appeal.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes details for application 12/442,520, inventor Thomas Uihlein, and examiner LOOK, EDWARD K.

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. [] The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. [] The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. [x] The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. [] The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Farmer
Patent Publication Branch
Office of Data Management



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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In re Application of
Lawrence D. Reaveley

:
:

Application No. 12442522

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

Filed: February 26,2010

:

Attorney Docket No. 6300.125.1a.1

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 28-JAN-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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



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RUSS WEINZIMMER
614 NASHUA STREET
SUITE 53
MILFORD, NH 03055

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Application of :
Chang Qing Xu, et al. :
Application No. 12/442,523 :
Filed: March 23, 2009 :
Attorney Docket No. C2CLINK-001 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 8, 2011.

The request is **NOT APPROVED**.

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

Petitioner should not that the Office will no longer accept address changes to a new practitioner of a law firm file with a Request to Withdraw, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

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

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

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

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

cc: YE HU
139 HUNTINGWOOD AVENUE
DUNA, ONTARIO L9H 6X7
CANADA



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RUSS WEINZIMMER
614 NASHUA STREET
SUITE 53
MILFORD, NH 03055

MAILED
MAR 05 2012
OFFICE OF PETITIONS

| | | |
|---------------------------------|---|----------------------|
| In re Application of | : | |
| Chang Qing Xu, et al. | : | |
| Application No. 12/442,523 | : | DECISION ON PETITION |
| Filed: March 23, 2009 | : | TO WITHDRAW |
| Attorney Docket No. C2CLINK-001 | : | 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 February 22, 2012.

The request is **APPROVED**.

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

The request was signed by Russ Weinzimmer on behalf of all attorneys of record who are associated with customer No. 74209. All attorneys/agents associated with the Customer Number 74209 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 February 15, 2012 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: CHANG QING XU
139 HUNGTINGWOOD AVENUE
DUNA, ONTARIO L9H 6X7 CA



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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/442,523 | 03/23/2009 | Chang Qing Xu | C2CLINK-001 |

CONFIRMATION NO. 1346

POWER OF ATTORNEY NOTICE



74209
Russ Weinzimmer
614 Nashua Street
Suite 53
Milford, NH 03055

Date Mailed: 02/28/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2012.

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

/amwise/

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



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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

MAILED

MAR 04 2011

PCT LEGAL ADMINISTRATION

| | | |
|--|---|----------|
| In re Application of | : | |
| Tsou et al. | : | |
| Application No.: 12/442,546 | : | DECISION |
| PCT No.: PCT/EP2007/008298 | : | |
| Int. Filing Date: 25 September 2007 | : | ON |
| Priority Date: 28 September 2006 | : | |
| Attorney Docket No.: 15588-00019-US | : | PETITION |
| For: Structures For Gas Diffusion Electrodes | : | |

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 23 December 2010.

DISCUSSION

In a Decision mailed on 24 May 2010, the petition under 37 CFR 1.47(a) filed on 08 March 2010 was dismissed, without prejudice, because requirement (2) had not been satisfied.

In response, petitioner has provided a "Supplemental Declaration of Tamara Pakela," who further describes her efforts to obtain Mr. Rosa's execution of the application, and who provides copies of a letter she mailed to Mr. Rosa and a return postal receipt related thereto. Based on the totality of the evidence now of record, it would be appropriate to conclude that requirement (2) has been satisfied.

DECISION

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

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

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **08 March 2010**.

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



United States Patent and Trademark Office

MAILED

MAR 04 2011

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Daniel Rosa
25 Winant Street
Staten Island, NY 10303

PCT LEGAL ADMINISTRATION

In re Application of
Tsou et al.
Application No.: 12/442,546
PCT No.: PCT/EP2007/008298
Int. Filing Date: 25 September 2007
Priority Date: 28 September 2006
Attorney Docket No.: 15588-00019-US
For: Structures For Gas Diffusion Electrodes

Dear Mr. Rosa:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/442,585 | 07/09/2010 | Sang-Young Lee | LGCHEM 3.3-093 | 2062 |
| 86765 | 7590 | 02/01/2011 | EXAMINER | |
| LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090 | | | THOMAS, BRENT C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1726 | |
| | | | 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):

eOfficeAction@ldlkm.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 31, 2011

In re application of : DECISION ON REQUEST TO
Sang-Young Lee et al. : PARTICIPATE IN PATENT
Serial No. 12/442,585 : PROSECUTION HIGHWAY
Filed: March 24, 2009 : PROGRAM AND
For: NOVEL SEPARATOR AND ELECTRO- : PETITION TO MAKE SPECIAL
CHEMICAL DEVICE COMPRISING THE SAME: UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed January 05, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KIPO application(s);
 - b. An English translation of the allowable/ patentable claim(s); and
 - c. A statement that the English translation is accurate;
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of:
 - a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

Application No. 12/442,585

- b. An English language translation of the KIPO Office actions from (5)(a) above;
and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/442,601 | 09/23/2009 | Su-Jin Yoon | LGCHEM 3.3-092 | 2174 |
| 86765 | 7590 | 11/04/2011 | EXAMINER | |
| LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090 | | | WEINER, LAURA S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1726 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 11/04/2011 | ELECTRONIC |

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

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

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

eOfficeAction@ldlkm.com



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NOV 04 2011

CST

In re application of : DECISION ON REQUEST TO
Su-Jin Yoon et al : PARTICIPATE IN PATENT
Serial No. 12/442,601 : PROSECUTION HIGHWAY
Filed: September 23, 2009 : PROGRAM AND
For: NON-AQUEOUS ELECTROLYTE : PETITION TO MAKE SPECIAL
AND ELECTROCHEMICAL : UNDER 37 CFR 1.102(a)
DEVICE COMPRISING THE SAME :

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed August 25, 2011.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:

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

(3) Applicant must:

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

Application No. 12/442,601

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

(5) Applicant must submit:

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

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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PROSKAUER TOSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2600

MAILED

DEC 13 2010

OFFICE OF PETITIONS

Applicant: Garcia et al.
Appl. No.: 12/442,645
International Filing Date: September 25, 2007
Title: METHOD FOR THE PRODUCTION OF A PISTON FOR INTERNAL
COMBUSTION ENGINES AND POSTON FOR AN INTERAL COMBUSTION
ENGINE
Attorney Docket: 20496-706
Pub. No.: US 2010/0006055 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 8, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains a material error in claim 17, wherein the second occurrence of the word "projection" is improperly inserted.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

| | | |
|-------------------------------------|---|-------------------|
| In re Application of | : | |
| KANIE, Yoji, et al. | : | |
| Application No.: 12/442,670 | : | DECISION ON |
| PCT No.: PCT/JP2007/069513 | : | |
| Int. Filing Date: 28 September 2007 | : | REQUEST |
| Priority Date: 28 September 2006 | : | |
| Att. Docket No.: 12412/6 | : | UNDER 37 CFR 1.42 |
| For: METHOD AND APPARATUS FOR | : | |
| PROCESSING HOLE WITH | : | |
| ROUNDED EDGE | : | |

This decision responds to applicants' submission of a declaration of the inventors on 24 March 2009, containing an indication that joint inventor Masato Nakashima is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 24 March 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventors.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

The declaration must list the inventors and the inventors' citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists the information for the all the inventors, but not for the legal representative. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

Further, the declaration provided does not state that the heir, Midori Nakashima, is the sole heir of the deceased joint inventor, Masato Nakashima. If a legal representative has been or is required to be appointed under applicable law, such person must sign the declaration and indicate the relationship, e.g., "legal representative of inventor Masato Nakashima." Otherwise,

all heirs of Masato Nakashima must sign the declaration and indicate the relationship, *e.g.*, "sole heir of Masato Nakashima," or "legal representative of Masato Nakashima." The indication of an heir leaves open the possibility of non-signing joint heirs.

CONCLUSION

For the above reasons, the request for status under 37 C.F.R. 1.42 is **REFUSED**.

Applicants are required to submit an oath or declaration in compliance with 37 C.F.R. 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. **THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 C.F.R. 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



MAILED

JUN 20 2011

PCT LEGAL ADMINISTRATION

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

| | | |
|-------------------------------------|---|-------------------|
| In re Application of | : | |
| KANIE, Yoji, et al. | : | |
| Application No.: 12/442,670 | : | DECISION ON |
| PCT No.: PCT/JP2007/069513 | : | |
| Int. Filing Date: 28 September 2007 | : | REQUEST |
| Priority Date: 28 September 2006 | : | |
| Att. Docket No.: 12412/6 | : | UNDER 37 CFR 1.42 |
| For: METHOD AND APPARATUS FOR | : | |
| PROCESSING HOLE WITH | : | |
| ROUNDED EDGE | : | |

This decision responds to applicants' renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 08 March 2011.

BACKGROUND

On 13 January 2011, the Office mailed Decision On Request, refusing applicant's request for status under 37 CFR 1.42.

On 08 March 2011, applicants filed a renewed request under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

The declaration must list the inventors and the inventors' citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. Applicant states that the citizenship, residence and mailing address listed are for both the deceased inventor and the sole heir.

The submission of a declaration by heirs is construed to mean that a legal representative has not been appointed nor is one required to be appointed under applicable law and that the authority of the heirs corresponds to that of a legal representative. If this is not correct, applicants must notify the Office immediately.

Application No.: 12/442,670

-2-

The 24 March 2009 declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.182 to correct the inventor's name and the request for status under 37 CFR 1.42 are **GRANTED**.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration
Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOYCE VON NATZMER
PEQUIGNOT + MYERS LLC
200 MADISON AVENUE
SUITE 1901
NEW YORK, NY 10016

MAILED
NOV 03 2011
OFFICE OF PETITIONS

Applicant: KUEHNE, et al.
Appl. No.: 12/442,681
International Filing Date: September 25, 2007
Title: STRUCTURAL MIMETICS OF PROLINE-RICH PEPTIDES AND THE
PHARMACEUTICAL USE THEREOF
Attorney Docket No.: 7014-550
Pub. No.: US 2011/0034438 A1
Pub. Date: February 10, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on April 8, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein joint inventor Jan Zaminer was omitted.

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

The error on the front page of the publication wherein Jan Zaminer was omitted as an inventor may be Office error, but is not a material error under 37 CFR 1.221(b). The omission of an inventor’s name does not affect the understanding of the application. The mistake does not affect the public’s ability to appreciate the technical disclosure of the patent application

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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.

On November 2, 2010, a Filing Receipt was mailed by the Office, which failed to list the name of joint inventor Jan Zaminer. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application. The request for a Corrected Filing Receipt on April 11, 2011 was received too late for the Office to update the Office's records and for use in the publication.

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

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

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

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

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

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

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

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

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



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

MAILED
JUL 12 2011

PCT LEGAL ADMINISTRATION

In re Application of :
COUSINS :
Application No.: 12/442,747 : DECISION
PCT No.: PCT/CA2007/001616 :
Int. Filing Date: 12 September 2007 :
Priority Date: 26 September 2006 :
Attorney's Docket No.: K008-7002US0 :
For: METHODS FOR CORROSION CONTROL OF :
STEEL IN AQUEOUS ENVIRONMENT USING :
PASSIVE IRON-SULPHUR LAYERS :

This decision is issued in response to applicant's "PETITION UNDER 37 CFR 1.182" filed 05 July 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 June 2011, applicant was mailed a communication detailing the discrepancy between international application number entered during the electronic filing of the application and other filing papers such as the ADS and executed declaration of the inventor.

On 05 July 2011, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/CA2007/001616. An examination of the papers filed 25 March 2009 finds that this international application number was listed on the filed ADS and executed declaration of the inventor. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 25 March 2009 and to permit such materials to be treated as having been directed to international application PCT/CA2007/001616.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/CA2007/001616.

Application No.: 12/442,747

-2-

This application is being forwarded to the United States Designated/Elected Office for further processing.

A handwritten signature in black ink, appearing to read 'D.A. Putonen', written in a cursive style.

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Panagiotis Saltsidis § Group Art Unit: 2472
Application No: 12/442,748 § Examiner: Roberta A. Shand
Filed: March 25, 2009 § Confirmation No. 3568

FOR: CONNECTIVITY FAULT MANAGEMENT IN A PROVIDER BACKBONE BRIDGE
TRAFFIC ENGINEERING (PBB-TE) DOMAIN

Via EFS-Web

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

CERTIFICATE OF TRANSMISSION BY EFS-WEB

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

Date: Dec. 31, 2010

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

Name: Todd A. Cason

Dear Sir:

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

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

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

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

2) Applicant is the assignee of another non-provisional application, U.S. Pat. Appl. No. 12/360,958 (the "Abandoned Application") that has an actual filing date earlier than October 1, 2009 and is complete under 37 C.F.R. § 1.53;

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

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

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

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

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

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

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

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

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

d) As indicated above, the Abandoned Application was assigned the application number U.S. Pat. Appl. No. 12/360,958;

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

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

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

Respectfully submitted,

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

Todd A. Cason
Reg. No. 54,020

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

Electronic Acknowledgement Receipt

| | |
|---|--|
| EFS ID: | 9147144 |
| Application Number: | 12360958 |
| International Application Number: | |
| Confirmation Number: | 7379 |
| Title of Invention: | Methods and Systems for Transmitting Data in Scalable Passive Optical Networks |
| First Named Inventor/Applicant Name: | Martin Julien |
| Customer Number: | 27902 |
| Filer: | Steven Ware Smith/Todd Cason |
| Filer Authorized By: | Steven Ware Smith |
| Attorney Docket Number: | P27477US1 |
| Receipt Date: | 31-DEC-2010 |
| Filing Date: | 28-JAN-2009 |
| Time Stamp: | 19:52:27 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|---|------------------------|--|------------------|------------------|
| 1 | Letter Express Abandonment of the application | P27477-RequestFile.pdf | 26286 <small>3c6727b531eb34f51b8a2e38d219d222898db480</small> | no | 2 |

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Martin Julien et al. § Group Art Unit: 2613
Application No: 12/360,958 § Examiner: Kenneth N. Vanderpuye
Filed: January 28, 2009 § Confirmation No. 7379

For: METHODS AND SYSTEMS FOR TRANSMITTING DATA IN SCALABLE PASSIVE OPTICAL NETWORKS

Via EFS-Web

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

CERTIFICATE OF TRANSMISSION BY EFS-WEB

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

Date: **Dec. 31, 2010**

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

Name: Todd A. Cason

Dear Sir:

**DECLARATION OF EXPRESS
ABANDONMENT UNDER 37 C.F.R § 1.138**

For the purpose of participating in the U.S.P.T.O.'s Backlog Reduction Stimulus Plan set forth in the Official Gazette Notices of December 22, 2009 (see 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (see 1351 Off. Gaz. Pat. Off. 202), and July 20, 2010 (see 1356 Off. Gaz. Pat. Off. 173) (collectively, the "Official Gazette Notices"), Telefonaktiebolaget LM Ericsson ("Applicant"), as sole assignee of the relevant patent, expressly abandons U.S. Pat. Appl. No. 12/360,958 (the "Abandoned Application") under 37 C.F.R. § 1.138. To the extent permissible under the Backlog Reduction Stimulus Plan, Applicant conditions this abandonment of the Abandoned Application on the U.S.P.T.O. granting the Petition to Make Special Under 37 C.F.R. § 1.102 filed concurrently with this Declaration in U.S. Pat. Appl. No. 12/442,748.

Additionally, in accordance with the requirements of the *Office Gazette Notices*, Applicant has not filed and will not file any other application claiming the same invention presently claimed by the Abandoned Application. Applicant also has not filed and will not file another application claiming the benefit of the Abandoned Application's filing date under any provision of Title 35 of the U.S.C. Moreover, Applicant agrees not to, in the future, request refund of any fees paid on the Abandoned Application.

Respectfully submitted,

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

Todd A. Cason
Reg. No. 54,020

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



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

MAILED

JAN 14 2011

OFFICE OF PETITIONS

| | | |
|--------------------------------|---|----------------------|
| In re Application of | : | |
| SALTSIDIS | : | DECISION ON PETITION |
| Application No. 12/442,748 | : | TO MAKE SPECIAL |
| Filed: March 25, 2009 | : | 37 CFR 1.102 |
| Attorney Docket No. P25020-US2 | : | |

This is a decision on the petition under 37 CFR 1.102, filed December 31, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

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

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

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

- b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

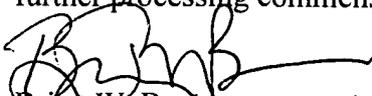
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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

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

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

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


Brian W. Brown
Petitions Examiner
Office of Petitions

| | | |
|---|---|--|
| Doc Code: PET.AUTO | | PTO/SB/83 |
| Document Description: Petition automatically granted by EFS-Web | | U.S. Patent and Trademark Office Department of Commerce |
| Electronic Petition Request | REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS | |
| Application Number | 12442785 | |
| Filing Date | 25-Mar-2009 | |
| First Named Inventor | Bandi Parthasaradhi Reddy | |
| Art Unit | 1622 | |
| Examiner Name | SUN JAE LOEWE | |
| Attorney Docket Number | H1089/20081 | |
| Title | OPTICAL RESOLUTION OF SUBSTITUTED 1, 3-OXATHIOLANE NUCLEOSIDES | |
| <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: | | 03000 |
| 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 | Hongmei Maggie Sheridan, J.D., M.S. Hetero USA Inc | |
| Address | 1035 Centennial Ave | |
| City | Piscataway | |
| State | NJ | |
| Postal Code | 08854 | |
| Country | US | |

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

| | |
|---------------------|--------------------|
| Signature | /Joseph F. Murphy/ |
| Name | Joseph F. Murphy |
| Registration Number | 58313 |



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : December 6, 2011

In re Application of :

Bandi Parthasaradhi Reddy

Application No : 12442785

Filed : 25-Mar-2009

Attorney Docket No : H1089/20081

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 6, 2011

The request is **APPROVED**.

The request was signed by Joseph F. Murphy (registration no. 58313) on behalf of all attorneys/agents associated with Customer Number 03000 . All attorneys/agents associated with Customer Number 03000 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 Hongmei Maggie Sheridan, J.D., M.S.
Name2 Hetero USA Inc
Address 1 1035 Centennial Ave
Address 2
City Piscataway
State NJ
Postal Code 08854
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



66991
LAW OFFICE OF MICHAEL A. SANZO, LLC
15400 Calhoun Dr.
Suite 125
Rockville, MD 20855

MAILED
JUN 20 2011

In re Application of :
LEININGER *et al* :
U.S. Application No.: 12/442,865 :
PCT No.: PCT/EP2007/057390 :
Int. Filing Date: 17 July 2007 :
Priority Date: 28 September 2006 :
Attorney's Docket No.: 7601/20150 :
For: METHOD FOR PRODUCTION OF :
GRANULAR SODIUM :
PERCARBONATE :

PCT LEGAL ADMINISTRATION

DECISION

This is a decision on the papers filed on 27 April 2011 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 25 March 2009, applicants filed papers to enter the national stage of PCT/EP2007/057390.

On 28 May 2009, applicants filed several papers including an executed declaration and a \$130.00 surcharge fee.

On 26 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 28 December 2009, applicants filed a response to the Form PCT/DO/EO/905 which was accompanied by, *inter alia*, a copy of the declaration filed 28 May 2009.

On 29 March 2009, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements of 28 December 2009 and a filing receipt listing a "Filing or 371(c) Date" of 28 December 2009.

On 27 April 2011, applicants filed the subject petition requesting that the "371 date" be corrected to 28 May 2009.

DISCUSSION

Applicants claim that an executed declaration was submitted on 28 May 2009. Applicants request a corrected filing receipt and Form PCT/DO/EO/903 indicating completion of all 35 U.S.C. 371 requirements on 28 May 2009.

A review of the file shows that a declaration in compliance with 37 CFR 1.497(a)-(b) was submitted in the above-captioned application on 28 May 2009. Therefore, the Form PCT/DO/EO/905 mailed 26 October 2009 was sent in error, and is VACATED.

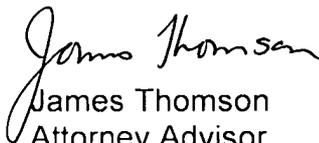
DECISION

Applicants' petition under 37 CFR 1.181 is GRANTED.

The Form PCT/DO/EO/903 and filing receipt mailed 29 March 2010 are also VACATED.

This application is being forwarded to DO/EO/US for continued processing including mailing a corrected Form PCT/DO/EO/903 noting that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements is 28 May 2009.

A new filing receipt indicating a "Filing or 371(c) Date" of 28 May 2009 is also requested.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



04 OCT 2010

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

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of :
WAKAO, et al. :
Serial No.: 12/442,887 :
PCT No.: PCT/JP2007/068335 : DECISION ON PETITION
Int. Filing Date: 21 September 2007 :
Priority Date: 25 September 2006 : UNDER 37 CFR 1.47(a)
Atty Docket No.: 704633 :
For: IN VITRO DIFFERENTIATION/INDUCTION OF :
LYMPHOCYTE FROM STEM CELL HAVING :
GENOTYPE PROVIDED AFTER GENE :
RECONSTITUTION :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 12 August 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Hiroshi Wakao.

BACKGROUND

On 16 April 2010, applicant was mailed a decision dismissing applicant's petitions under 37 CFR 1.183 and 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 12 August 2010, applicant filed the present petition under 37 CFR 1.183 accompanied by a petition for a two-month extension of time. With payment of the two-month extension of time fee, applicant's present response is considered timely filed.

DISCUSSION

As detailed in the decision mailed 16 April 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the filing of the renewed petition and accompanying exhibits applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

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

The application has an international filing date of 21 September 2007 under 35 U.S.C. 363, and will be given a date of **24 March 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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



UNITED STATES PATENT AND TRADEMARK OFFICE

04 OCT 2010

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

Mr. Hiroshi Wakao
c/o Preventive Medicine - Environmental Biology Dept.
National University Corporation Hokkaido University
Kita 15-jo, Nishi 7-chome, Kita-ku, Sapporo-shi
Hokkaido, 060-8638
JAPAN

In re Application of
WAKAO, et al.
Serial No.: 12/442,887
PCT No.: PCT/JP2007/068335
Int. Filing Date: 21 September 2007
Priority Date: 25 September 2006
Atty Docket No.: 704633
For: IN VITRO DIFFERENTIATION/INDUCTION OF
LYMPHOCYTE FROM STEM CELL HAVING
GENOTYPE PROVIDED AFTER GENE
RECONSTITUTION

Dear Mr. Wakao:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of record:
Leydig Voit & Mayer, Ltd
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago IL 60601-6731
United States of America



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/442,917 | 05/14/2009 | Minami Ishii | 17401/139001 | 4672 |
| 22511 | 7590 | 03/14/2011 | EXAMINER | |
| OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010 | | | BOST, DWAYNE D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2617 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 03/14/2011 | ELECTRONIC |

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

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

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

docketing@oshaliang.com
buta@oshaliang.com
hathaway@oshaliang.com



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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

| | | |
|----------------------------------|---|------------------------|
| In re Application of | : | |
| ISHII, MINAMI, et al. | : | DECISION ON REQUEST TO |
| Application No. 12/442,917 | : | PARTICIPATE IN PATENT |
| Filed: March 25, 2009 | : | PROSECUTION HIGHWAY |
| Attorney Docket No. 17401/139001 | : | PROGRAM AND PETITION |
| | : | TO MAKE SPECIAL UNDER |
| | : | 37 CFR 1.102(a) |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 21, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Application of Bruinsma et al. :
Application No. 12/442,934 : Decision on Petition
Filing Date: March 25, 2009 :
Attorney Docket No. 63551/101.5 :

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

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 20, 2011, 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 April 21, 2011. A Notice of Abandonment was mailed on August 29, 2011.

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.¹

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 \$930, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

¹ 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.

Technology Center Art Unit 1622 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

cc: Yury M. Colton
Suite 3600
600 University Street
Seattle, WA 98101



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UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/443,051 | 12/28/2009 | Nobuaki Takane | SOEI0045 | 5777 |
| 24203 | 7590 | 04/05/2011 | EXAMINER | |
| GRIFFIN & SZIPL, PC SUITE PH-1 2300 NINTH STREET, SOUTH ARLINGTON, VA 22204 | | | ART UNIT | PAPER NUMBER |
| | | | 2835 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 04/05/2011 | PAPER |

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

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



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**GRIFFIN & SZIPL, PC
SUITE PH-1
2300 NINTH STREET, SOUTH
ARLINGTON VA 22204**

In re Application of

Nobuaki TAKANE

Application No.: 12/443,051

Filed: 28 December 2009

Attorney Docket No.: SOEI0045

**For: ANISOTROPIC CONDUCTIVE
ADHESIVE COMPOSITION,
ANISOTROPIC CONDUCTIVE FILM,
CIRCUIT MEMBER ...**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 07 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

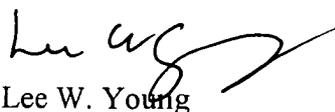
- ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and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

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

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

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

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



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



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P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : November 16,2011

In re Application of :

Xinli Lin

Application No : 12443075

Filed : 11-Feb-2010

Attorney Docket No : 544112000800

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 16,2011

The request is **APPROVED**.

The request was signed by Jie Zhou (registration no. 52395) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Customer Number 25226 have been withdrawn.

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

Name ProteomTech, Inc.
Name2
Address 1 3505 Cadillac Ave., STE F7
Address 2
City Costa Mesa
State CA
Postal Code 92626
Country US

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

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

Office of Petitions

| | | |
|---|---|--|
| Doc Code: PET.AUTO | | PTO/SB/83 |
| Document Description: Petition automatically granted by EFS-Web | | U.S. Patent and Trademark Office Department of Commerce |
| Electronic Petition Request | REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS | |
| Application Number | 12443075 | |
| Filing Date | 11-Feb-2010 | |
| First Named Inventor | Xinli Lin | |
| Art Unit | 1656 | |
| Examiner Name | SAMUEL LIU | |
| Attorney Docket Number | 544112000800 | |
| Title | METHODS FOR PRODUCTION OF RECOMBINANT PLASMINOGEN AND PLASMIN POLYPEPTIDES | |
| <input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: | | 25226 |
| The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) | | |
| Certifications | | |
| <input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment | | |
| <input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled | | |
| <input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond | | |
| Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71: | | |
| Name | ProteomTech, Inc. | |
| Address | 3505 Cadillac Ave., STE F7 | |
| City | Costa Mesa | |
| State | CA | |
| Postal Code | 92626 | |
| Country | US | |

| | |
|--|------------|
| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
| Signature | /Jie Zhou/ |
| Name | Jie Zhou |
| Registration Number | 52395 |



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UNIVATION TECHNOLOGIES, LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON TX 77056

MAILED

NOV 10 2010

PCT LEGAL ADMINISTRATION

In re Application of: TERRY, Kersten, et al. :
U.S. Application No.: 12/443,114 :
PCT No.: PCT/US2007/020762 :
International Filing Date: 26 September 2007 :
Priority Date: 03 October 2006 :
Attorney Docket No.: 2006U023A.US :
For: METHOD FOR PREVENTING :
CATALYST AGGLOMERATION :
BASED ON PRODUCTION RATE :
CHANGES :

**DECISION ON PETITION
(37 CFR 1.137(b))**

This decision is issued in response to applicant's "Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 09 September 2010. Applicants have paid the required petition fee.

BACKGROUND

On 26 September 2007, applicants filed international application PCT/US2007/020762. The application claimed a priority date of 03 October 2006, and it designated the United States. The deadline for filing the basic national fee was thirty months from the priority date, that is, 03 April 2009.

The published international application identified four applicant/inventors for purposes of the United States. The publication named two additional individuals as applicants for the United States, Bruce J. SAVATSKY and Mark B. DAVIS, but these persons were not identified as inventors in the international application.

On 26 March 2009, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and an application data sheet (ADS). The ADS listed the four applicant/inventors of record as applicants herein, but it also identified Bruce J. SAVATSKY and Mark B. DAVIS as additional applicant/inventors.

On 05 January 2010, the United States Designated/Elected Office (DO/EO/US) issued a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

Applicants did not file a response to the Notification Of Missing Requirements during the maximum extendable period for reply. Accordingly, the present application became abandoned at midnight on 05 March 2010.

On 09 September 2010, applicants filed the "Petition for Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" considered herein, accompanied by payment of the required surcharge and an executed declaration. The declaration named and was executed by the six applicant/inventors listed on the ADS, including Bruce J. SAVATSKY and Mark B. DAVIS.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "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;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Applicants here have failed to satisfy item (1).

Regarding item (1), pursuant to section 711.03(c) of the Manual of Patent Examining Procedures (MPEP), the "required reply" is the reply sufficient to have avoided abandonment, had such reply been timely filed. Accordingly, the "required reply" here is a proper response to the Notification Of Missing Requirements issued 05 January 2010, that is, an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

The present petition was accompanied by payment of the required surcharge and an executed declaration; however, the declaration is not in compliance with 37 CFR 1.497. Specifically, the declaration includes two persons, Bruce J. SAVATSKY and Mark B. DAVIS, who are not applicant/inventors of record in the present application (as noted above, these two inventors were not identified as inventors in the international application, only as applicants). Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The inventorship set forth in the declaration filed on 09 September 2010 differs from the inventorship of record. Accordingly, the declaration may not be accepted until applicants file a grantable request under 37 CFR 1.497(d) to correct the inventorship herein to include Bruce J. SAVATSKY and Mark B. DAVIS as additional applicant/inventors of record. Because such materials have not been filed by applicants, the declaration filed 09 September 2010 is not acceptable on the present record, and the "required reply" element of a grantable petition for revival under 37 CFR 1.137(b) remains unsatisfied.

CONCLUSION

Applicants' petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and include the materials required to satisfy the "required reply" element of a grantable petition, that is, a grantable request under 37 CFR 1.497(d) to add Bruce J. SAVATSKY and Mark B. DAVIS as additional inventors of record herein, thereby permitting acceptance of the declaration filed on 09 September 2010.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



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JAN 31 2011

PCT LEGAL ADMINISTRATION

UNIVATION TECHNOLOGIES, LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON TX 77056

In re Application of: TERRY, Kersten, et al. :
U.S. Application No.: 12/443,114 :
PCT No.: PCT/US2007/020762 :
International Filing Date: 26 September 2007 :
Priority Date: 03 October 2006 :
Attorney Docket No.: 2006U023A.US :
For: METHOD FOR PREVENTING :
CATALYST AGGLOMERATION :
BASED ON PRODUCTION RATE :
CHANGES :

DECISION ON RENEWED
PETITION UNDER 37 CFR
1.137(b) AND REQUEST UNDER
37 CFR 1.497(d)

This decision is issued in response to the “Renewed Petition Under 37 C.F.R. §1.137(b)” and the “Request To Correct Inventorship Under 37 C.F.R. §1.497(d)” filed 09 December 2010. Applicants have paid the processing fee required with respect to the request under 37 CFR 1.497(d); no additional petition fee is required for the renewed petition under 37 CFR 1.137(b).

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 10 November 2010. The decision dismissed without prejudice applicants’ petition for revival under 37 CFR 1.137(b), finding that applicants had not satisfied all the requirements for a grantable petition. Specifically, applicants had not provided the “required reply” in the form of a declaration acceptable under 37 CFR 1.497. As discussed in the decision, the declaration filed by applicants with the petition for revival could not be accepted absent a grantable request to correct inventorship under 37 CFR 1.497(d).

On 09 December 2010, applicants filed the “Renewed Petition Under 37 C.F.R. §1.137(b)” and the “Request To Correct Inventorship Under 37 C.F.R. §1.497(d)” considered herein.

DISCUSSION

1. Request Under 37 CFR 1.497(d)

Applicants seek to add Bruce J. SAVATSKY and Mark B. DAVIS as additional applicant/inventors of record pursuant to 37 CFR 1.497(d). As set forth in MPEP section 1893.01(e), a grantable request under 37 CFR 1.497(d) requires: “(A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his

or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).”

The present submission was accompanied by the required statements of non-deceptive intent from the persons to be added as additional inventors (Bruce J. SAVATSKY and Mark B. DAVIS), and applicants have paid the required processing fee. Requirements (A) and (B) are therefore satisfied.

With respect to requirement (C), applicants have filed a document entitled “Statement By Assignee Consenting To The Correction Of Inventorship Under 37 C.F.R. §1.497(d)(1)” in which an officer of Univation Technologies, LLC (“Univation”) asserts that Univation is the assignee of the present application and that the assignee consents to the addition of Bruce J. SAVATSKY and Mark B. DAVIS as additional inventors herein. However, the statement of consent was not accompanied by a statement in compliance with 37 CFR 3.73(b) from the assignee, as also required (see 37 CFR 1.497(d)(3); MPEP section 324). Until the required statement in compliance with 37 CFR 3.73(b) is provided, requirement (C) of a grantable request under 37 CFR 1.497(d) is not considered satisfied.

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d) to add Bruce J. SAVATSKY and Mark B. DAVIS as additional applicant/inventors of record herein. The request is therefore appropriately dismissed.

2. Renewed Petition Under 37 CFR 1.137(b)

The previous decision indicated that applicants had not satisfied the “required reply” element of a grantable petition for revival under 37 CFR 1.137(b). As discussed in the previous decision, the declaration filed by applicants on 09 September 2010 cannot be accepted as the “required reply” until applicants file a grantable request under 37 CFR 1.497(d) to correct the inventorship herein to include Bruce J. SAVATSKY and Mark B. DAVIS as additional applicant/inventors of record.

Because the request to correct inventorship under 37 CFR 1.497(d) filed with the present renewed petition for revival is not grantable, the declaration filed 09 September 2010 remains unacceptable on the present record. The “required reply” element of a grantable petition for revival under 37 CFR 1.137(b) therefore remains unsatisfied.

CONCLUSION

Applicants’ “Request To Correct Inventorship Under 37 C.F.R. §1.497(d)” and “Renewed Petition Under 37 C.F.R. §1.137(b)” are **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should be entitled “Renewed Request Under 37 CFR 1.497(d) and Renewed Petition Under 37 CFR 1.137(b)” and include the materials required to satisfy the outstanding requirement of a

grantable request to correct inventorship under 37 CFR 1.497(d) (i.e., an acceptable statement under 37 CFR 3.73(b) from Univation), which would permit the request to correct inventorship to be granted and the previously filed declaration to be accepted in satisfaction of the "required reply" element of a grantable petition for revival.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

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



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MAR 31 2011

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UNIVATION TECHNOLOGIES, LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON TX 77056

PCT LEGAL ADMINISTRATION

In re Application of: TERRY, Kersten, et al.
U.S. Application No.: 12/443,114
PCT No.: PCT/US2007/020762
International Filing Date: 26 September 2007
Priority Date: 03 October 2006
Attorney Docket No.: 2006U023A.US
For: METHOD FOR PREVENTING
CATALYST AGGLOMERATION
BASED ON PRODUCTION RATE
CHANGES

DECISION
(37 CFR 1.137(b) and 1.497(d))

This decision is issued in response to the "Renewed Request Under 37 C.F.R. §1.497(d) And Renewed Petition Under 37 C.F.R. §1.137(b)" filed 03 February 2011. Applicants have previously submitted the required petition and processing fees.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed on 10 November 2010 and 31 January 2011. The decision mailed 31 January 2011 dismissed without prejudice applicants' renewed petition for revival under 37 CFR 1.137(b), finding that applicants had not provided the "required reply" in the form of a declaration acceptable under 37 CFR 1.497. As discussed in the decision, the declaration filed by applicants with the petition for revival could not be accepted absent a grantable request to correct inventorship under 37 CFR 1.497(d), and the request to correct inventorship under 37 CFR 1.497(d) filed with the renewed petition for revival did not include all the requirements for a grantable request.

On 03 February 2011, applicants filed the "Renewed Request Under 37 C.F.R. §1.497(d) And Renewed Petition Under 37 C.F.R. §1.137(b)" considered herein.

DISCUSSION

1. Renewed Request Under 37 CFR 1.497(d)

Applicants' 03 February 2011 submission includes a "STATEMENT UNDER 37 CFR 3.73(b)" (Form PTO/SB/96) executed on behalf of the assignee, Univation Technologies LLC ("Univation"). Applicants have previously submitted a "Statement By Assignee Consenting To The Correction Of Inventorship Under 37 C.F.R. §1.497(d)(1)" in which an officer of Univation consented to the addition of Bruce J. SAVATSKY and Mark B. DAVIS as additional inventors

herein. In combination, these materials provide the required consent of the assignee in compliance with 37 CFR 3.73(b).

Based on the above, applicants have now satisfied the final outstanding requirement for a grantable request under 37 CFR 1.497(d) to add Bruce J. SAVATSKY and Mark B. DAVIS as additional applicant/inventors of record herein. The request is therefore appropriately granted.

2. Renewed Petition Under 37 CFR 1.137(b)

As discussed above, Bruce J. SAVATSKY and Mark B. DAVIS have now been successfully added as additional applicant/inventors of record herein. In view of this correction, the declarations filed on 09 September 2010, which included and were executed by Mr. SAVATSKY and Mr. DAVIS, may now be accepted under 37 CFR 1.497 as properly identifying the applicant/inventors of record.

The submission of an acceptable declaration in compliance with 37 CFR 1.497 satisfies the "required reply" element of a grantable petition for revival under 37 CFR 1.137(b). Accordingly, applicants have now satisfied the final outstanding element of a grantable petition for revival under 37 CFR 1.137(b). The petition is therefore appropriately granted.

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record is corrected to add Bruce J. SAVATSKY and Mark B. DAVIS as additional applicant/inventors of record herein.

In view of this correction, the declarations filed on 09 September 2010, which name and are executed by the original inventors of record and added inventors of record Bruce J. SAVATSKY and Mark B. DAVIS, may now be accepted under 37 CFR 1.497.

Applicants' renewed petition for revival of the application under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 September 2010.

/RichardMRoss/

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



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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of :
KITA, NAOYA et al : DECISION ON REQUEST TO
Application No. 12/443,240 : PARTICIPATE IN PATENT
Filed: March 27, 2009 : PROSECUTION HIGHWAY
Attorney Docket No. 1163-0705PUS1 : PROGRAM AND PETITION
 : TO MAKE SPECIAL UNDER
 : 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 29, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 5 above.

Regarding item 5, a statement that the English translation of the office action from the JPO application containing the allowable/patentable claims is accurate has not been submitted.

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

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



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United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/443,240 | 03/27/2009 | Naoya Kita | 1163-0705PUS1 | 7460 |
| 2292 | 7590 | 01/14/2011 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | FRANK, EMILY J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2627 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 01/14/2011 | ELECTRONIC |

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

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

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

mailroom@bskb.com



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In re Application of :
KITA, NAOYA et al : DECISION ON REQUEST TO
Application No. 12/443,240 : PARTICIPATE IN PATENT
Filed: March 27, 2009 : PROSECUTION HIGHWAY
Attorney Docket No. 1163-0705PUS1 : PROGRAM AND PETITION
 : TO MAKE SPECIAL UNDER
 : 37 CFR 1.102(a)

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

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH program and petition 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



18 AUG 2010

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

| | | |
|---------------------------------------|---|-------------------|
| In re Application of | : | DECISION ON |
| MINISCI et al | : | |
| Application No.: 12/443,271 | : | |
| PCT No.: PCT/EP2007/08341 | : | |
| Int. Filing Date: 20 September 2007 | : | PAPERS FILED |
| Priority Date: 28 September 2006 | : | |
| Attorney's Docket No.: 340228US0X PCT | : | |
| For: PROCESS FOR THE... | : | UNDER 37 CFR 1.42 |
| CATALYTIC | : | |

This is a decision on the declaration filed 09 June 2009, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 27 March 2009, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, applicants did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided.

On 27 March 2007, applicants filed an executed declaration signed by Angelo CLERICI and Alberto CLERICI as heirs of co-inventor, Ombretta PORTA, now deceased.

DISCUSSION

The declaration is unacceptable at this time because it is not clear that Angelo CLERICI and Alberto CLERICI are the sole heirs for the deceased co-inventor, Ombretta PORTA. (see MPEP § 409.01(a)). That is, there may be other heirs who are required to also sign the declaration. The declaration must indicate that they are the sole heirs for the deceased inventor in order for the Office to accept the application under 37 CFR 1.42.

In addition, on the Application Data Sheet (ADS) they are listed as Legal Representatives rather than heirs. If they are legal representatives of the deceased co-inventor, Ombretta PORTA, then they must be listed as legal representatives on the executed declaration.

Moreover, a submission of a declaration executed by all of the heirs of the deceased inventor is construed as an indication that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. If this interpretation is incorrect applicants are required to promptly notify the Office of such and submit a declaration properly executed by the legal representative(s) of the deceased inventor.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of : DECISION ON
MINISCI et al :
Application No.: 12/443,271 :
PCT No.: PCT/EP2007/08341 :
Int. Filing Date: 20 September 2007 : PAPERS FILED
Priority Date: 28 September 2006 :
Attorney's Docket No.: 340228US0X PCT :
For: PROCESS FOR THE... : UNDER 37 CFR 1.42
CATALYTIC

MAILED

JAN 07 2011

PCT LEGAL ADMINISTRATION

This is a decision on the "RENEWED REQUEST UNDER 37 CFR 1.42" filed 18 November 2010.

BACKGROUND

In a decision from this office dated 18 August 2010, the papers filed on 09 June 2009 were not accepted under 37 CFR 1.42. The reason was that it was not clear if Angelo CLERICI and Alberto CLERICI was the sole heirs of the deceased inventor, Ombretta PORTA.

On 18 August 2010, applicant submitted the renewed submission under 37 C.F.R. §1.42.

DISCUSSION

Applicant has provided a statement by the attorney, Mr. Cunningham, which sets forth that Angelo Clerici and Alberto Clerici in fact are the sole heirs and legal representatives (as stated by their declaration) of the deceased co-inventor Ombretta Porta.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



Rafael Bacares
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NOV 14 2011

OFFICE OF PETITIONS

In re Application of :
Norikazu Takashima, et al. :
Application No. 12/443,394 : DECISION GRANTING PETITION
Filed: March 27, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5183-0108PUS1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 14, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 3637 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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



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NOV 08 2011

OFFICE OF PETITIONS

In re Application of :
Norikazu Takashima, et al. :
Application No. 12/443,408 : DECISION GRANTING PETITION
Filed: May 18, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5183-0107PUS1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 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 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.¹

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

This application is being referred to Technology Center AU 3637 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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



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DENIS RICHARD O'BRIEN
PO BOX 1699
BLAINE WA 98231

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OCT 03 2011

| | | |
|---------------------------------|---|---------------------|
| In re Application of | : | OFFICE OF PETITIONS |
| Goodin | : | |
| Application No. 12/443,426 | : | DECISION |
| Filed/Deposited: 27 March, 2009 | : | |
| Attorney Docket No. Verify - 01 | : | |

This is a decision on the petition filed on 23 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 Allegation of Unavoidable 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 showing/statement 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) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(b).

BACKGROUND

As discussed above, a review of the record reveals that:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 10 November, 2010, with reply due absent extension of time on or before 10 February, 2011.

The application went abandoned by operation of law after midnight 10 February, 2011.

Application No. 12/443,426

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

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

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

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

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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{2,3}

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

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

³ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

Application No. 12/443,426

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

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁴

As to Allegations of
Unintentional Delay

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

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

CONCLUSION

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

The instant application is released to the Technology Center/AU 3621 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.

⁴ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F.Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/443,426

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. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



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FALLS CHURCH VA 22040-0747

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JUL 06 2011

OFFICE OF PETITIONS

In re Application of
Ogari Pacheco et al.
Application No. 12/443,438
Filed: May 12, 2009
Attorney Docket No: 4705-0133PUS1

ON PETITION

This is a decision on the petition filed June 14, 2011 under 37 CFR 1.182, for withdrawal of the terminal disclaimer filed April 19, 2011.

The petition is **GRANTED**.

The examiner responsible for the above-identified application has indicated that the terminal disclaimer filed April 19, 2011 does not apply to any of the claims as currently amended. Accordingly, on petition the terminal disclaimer is withdrawn.

The petition fee in the amount of \$400.00 is required for treatment of the petition under 37 CFR 1.182 and cannot be refunded. Accordingly, per the authorization included with the petition, \$400.00 has been charged to deposit account no. 02-2448.

This matter is being referred to Technology Center 1621 to correct the records related to the terminal disclaimer filed April 19, 2011 consistent with this decision.

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

27 SEP 2010



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SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

In re Application of :
Sofou et al. :
Application No.: 12/443,496 :
PCT No.: PCT/US2007/080614 :
Int. Filing Date: 05 October 2007 : **DECISION**
Priority Date: 06 October 2006 :
Attorney Docket No.: 048467.01801 :
For: Ph Sensitive Liposome Composition :

This is in response to the correspondence filed on 08 April 2009 and 30 March 2009.

BACKGROUND

International application PCT/US2007/080614 was filed on 05 October 2007, claimed an earlier priority date of 06 October 2006, and designated the United States. The period for payment of the basic national fee in the United States expired as of midnight on 06 April 2009. Applicants filed *inter alia* a basic national fee in 12/443,496 on 30 March 2009.

DISCUSSION

Counsel requests correction of the records of the USPTO based on the assertion that "the correct International Application should read PCT/US07/80614." Review of the instant application file reveals that the Transmittal Letter filed on 30 March 2009 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2007/080614." The Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/EP07/80614" was to enter the national stage. Meanwhile, inspection of published international application PCT/US2007/080614 reveals that its bibliographic data is similar to that for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

DECISION

Applicants' request is **REFUSED**, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any such response should be entitled "Petition Under 37 CFR 1.182." Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Application No.: 12/443,496

-2-

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/

George Dombroske

PCT Legal Examiner

Office of PCT Legal Administration

Tel: (571) 272-3283



United States Patent and Trademark Office

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SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

MAILED

JAN 28 2011

In re Application of
Sofou et al.
Application No.: 12/443,496
PCT No.: PCT/US2007/080614
Int. Filing Date: 05 October 2007
Priority Date: 06 October 2006
Attorney Docket No.: 048467.01801
For: Ph Sensitive Liposome Composition

PCT LEGAL ADMINISTRATION

DECISION

This is in response to the petition filed on 29 November 2010, which is being treated under 37 CFR 1.182.

DISCUSSION

In a Decision mailed on 27 September 2010, counsel was advised that

Review of the instant application file reveals that the Transmittal Letter filed on 30 March 2009 was directed toward the national stage under 35 U.S.C. 371 of "PCT/EP2007/080614." The Electronic Acknowledgment Receipt generated during the EFS-Web filing on even date shows that applicants indicated that "PCT/EP07/80614" was to enter the national stage. Meanwhile, inspection of published international application PCT/US2007/080614 reveals that its bibliographic data is similar to that for this application. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

In response, petitioner requests treatment as a petition, and authorizes the petition fee to be charged to a Deposit Account. The petition fee is being charged to Deposit Account 02-4300, as authorized. Petitioner states that "the International Application Number was inadvertently inserted in the patent application transmittal as PCT/EP07/80614. The correct International Application should read PCT/US07/80614." It appears that petitioner is asserting that an incorrect international application number was recorded on the transmittal letter inadvertently, but petitioner has not indicated whether the international application number entered into EFS-Web (and reflected on the Electronic Acknowledgment Receipt) was also entered in error. Clarification of this point would be appropriate.

It is also noted that the declaration filed on 18 October 2010 names "Sofou Stavroula," whereas the published international application nominated "SOFOU, Stavroula." Since the inversion of the order of an inventor's names is regarded as more than a mere typographical error, a petition under 37 CFR 1.182 would be required in order for the name to be accepted as it appears on the declaration. See MPEP 605.04(b) and (c).

In view of the issues described above, the Notice of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed on 25 October 2010 were issued in error; accordingly, both are hereby **VACATED**.

DECISION

The petition is **DISMISSED**, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any such response should be entitled "Petition Under 37 CFR 1.182." Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HOYNG MONEGIER LLP
REMBRANDT TOWER 31ST FLOOR
AMSTELPLEIN 1
AMSTERDAM 1096 HA NL NETHERLANDS

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Petersen : DECISION ON PETITION
Application No. 12/443,499 :
Filed/Deposited: 30 March, 2009 :
Attorney Docket No. 04132.0149.PCUS00 :

This is a decision on the petition filed on 1 July, 2011, pursuant to 37 C.F.R. §1.47.

NOTE:

The address on the petition is other than that of record.

A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

If Petitioner desires to receive future correspondence regarding this application, the documentation must be submitted.

Petitioner appears to have made no independent inquiry as to a valid/current/reasonably believed to be last known address.

Petitioner will find it beneficial to move stepwise through the requirements of the regulations at 37 C.F.R. §1.47(b), to wit: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage. (See MPEP §409.03, and §409.03(a)).

Application No. 12/443,499

For the Office to accept transmission by Email of any document (e.g., transmittal description, claims, abstract, drawing(s)), written acknowledgment of receipt and readability will be required.

The petition under 37 C.F.R. §1.47(b) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

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

A grantable petition pursuant to 37 C.F.R. §1.47(b) requires: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage.

Petitioner's attentions are directed to the regulations at 37 C.F.R. §1.47(b) and to the guidance provided in the Commentary in the Manual of Patent Examining Procedure, including that at MPEP §409.03, et seq.

Petitioners always are reminded that for transmission by Email of any document (e.g., transmittal description, claims, abstract, drawing(s)) to be accepted by the Office, written acknowledgment of receipt and readability will be required.

Deficiencies must be resolved on any renewed petition.

BACKGROUND

The record indicates:

The instant application was filed on 30 March, 2009, and prosecuted thereafter.

Application No. 12/443,499

The Examiner mailed the Notice of Allowance/Allowability and Fees Due with an Examiner's Amendment and a requirement for a substitute/supplementary fully executed oath/declaration on 21 April, 2011, with reply due as to the Issue Fee on or before 21 July, 2011.

On 1 July, 2001, Petitioner submitted the instant petition (with fee) pursuant to 37 C.F.R. §1.47(b) with an averment that several Emails had been sent to the non-signing sole inventor Gerth Petersen (Mr. Petersen) in April 2011, but no postal or courier correspondence transmittal until on or about 19 May, 2011—and then none thereafter—and then only to what appears to have been a single old and no longer valid address, with no indication of an effort by Petitioner to make diligent inquiry to determine a valid/current/reasonably believed to be last known address. Thus, Petitioner failed to satisfy the requirements of a grantable petition pursuant to 37 C.F.R. §1.47(b), to wit: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage. And Petitioner appears to have ignored the guidance provided in the Commentary in the Manual of Patent Examining Procedure, including that at MPEP §409.03, et seq.

Petitioner **must** resolve these issues on any renewed petition and should review the Rules of Practice and the guidance in the Commentary in the MPEP to ensure satisfaction of all requirements herein, as set forth at the outset of this decision.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

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

The instant petition under 37 C.F.R. §1.47(b) is **dismissed**.

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

Application No. 12/443,499

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

CC
CORALINE J. HAITJEMA
HOWREY LLP
2941 FAIRVIEW PARK DRIVE/BOX 7
FALLS CHURCH, VA 22042

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

§1.2 Business to be transacted in writing.

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



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OFFICE OF PETITIONS

In re Application of :
Petersen : DECISION ON PETITION
Application No. 12/443,499 :
Filed/Deposited: 30 March, 2009 :
Attorney Docket No. 04132.0149.PCUS00 :

This is a decision on the petition filed on 21 September, 2011, pursuant to 37 C.F.R. §1.47.

The petition under 37 C.F.R. §1.47(b) is **GRANTED**.

A grantable petition pursuant to 37 C.F.R. §1.47(b) requires: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage.

Petitioner's attentions are directed to the regulations at 37 C.F.R. §1.47(b) and to the guidance provided in the Commentary in the Manual of Patent Examining Procedure, including that at MPEP §409.03, et seq.

Petitioners always are reminded that for transmission by Email of any document (e.g., transmittal description, claims, abstract, drawing(s)) to be accepted by the Office, written acknowledgment of receipt and readability will be required.

BACKGROUND

The record indicates:

The instant application was filed on 30 March, 2009, and prosecuted thereafter.

Application No. 12/443,499

The Examiner mailed the Notice of Allowance/Allowability and Fees Due with an Examiner's Amendment and a requirement for a substitute/supplementary fully executed oath/declaration on 21 April, 2011, with reply due as to the Issue Fee on or before 21 July, 2011.

On 1 July, 2001, Petitioner submitted a petition (with fee) pursuant to 37 C.F.R. §1.47(b) with an averment that several Emails had been sent to the non-signing sole inventor Gerth Petersen (Mr. Petersen) in April 2011, but no postal or courier correspondence transmittal until on or about 19 May, 2011—and then none thereafter—and then only to what appears to have been a single old and no longer valid address, with no indication of an effort by Petitioner to make diligent inquiry to determine a valid/current/reasonably believed to be last known address. Thus, Petitioner failed to satisfy the requirements of a grantable petition pursuant to 37 C.F.R. §1.47(b), to wit: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage. And Petitioner appeared to have ignored the guidance provided in the Commentary in the Manual of Patent Examining Procedure, including that at MPEP §409.03, et seq. The petition was dismissed 21 July, 2011.

On 21 September, 2011, Petitioner re-advanced the petition with a separate oath/declaration executed by Petitioner as the expressly authorized representative (see: petition at page 2); and a showing (*i.e.*, transmittal letter and a narrative by Petitioner) of the transmittal of the entire application (description, claims, abstract, drawings) to the non-signing sole inventor, with an averment of non-reply and a showing of proprietary interest and statement of irreparable damage. (See MPEP §409.03, and §409.03(a)). Thus Petitioner sought to satisfy the requirements of a petition pursuant to 37 C.F.R. §1.47 with an oath and an express statement of authority to sign to accompany the oath/declaration executed by any expressly authorized representative of the averred assignee, along with a showing of diligence in the transmittal of the entire application (description, claims, abstract, drawings) to the non-signing inventor and proof that the non-signing inventor has failed—thus a constructive refusal—to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage.

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.

Application No. 12/443,499

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

The application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(b). This application is hereby accorded Rule 1.47(b) status.

CONCLUSION

The instant petition under 37 C.F.R. §1.47(b) is **granted**.

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



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

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

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

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DENMARK

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of :
Petersen : COMMUNICATION
Application No. 12/443,499 :
Filed/Deposited: 30 March, 2009 :
Attorney Docket No. 04132.0149.PCUS00 :

Dear Gerth Petersen:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

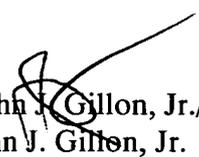
Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

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

Application No. 12/443,499

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/your action(s) or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.


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

Counsel of Record
HOYNG MONEGIER LLP
REMBRANDT TOWER 31ST FLOOR
AMSTELPLEIN 1
AMSTERDAM 1096 HA NL NETHERLANDS

¹ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

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

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NOV 02 2010

PCT LEGAL ADMINISTRATION

In re Application of RIETJENS et al :
U.S. Application No.: 12/443,548 :
PCT Application No.: PCT/EP2007/008636 :
Int. Filing Date: 05 October 2007 :
Priority Date Claimed: 05 October 2006 :
Attorney Docket No.: BHD-4662-1079 :
For: OLIVE EXTRACTS FOR PROMOTING :
MUSCLE HEALTH :

DECISION

This is in response to applicant's second renewed petition under 37 CFR 1.47(a) filed on 01 October 2010.

BACKGROUND

On 05 October 2007, applicant filed international application PCT/EP2007/008636, which claimed priority of an earlier European Patent Office application filed 05 October 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 10 April 2008. The thirty-month period for paying the basic national fee in the United States expired on 06 April 2009.

On 30 March 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 24 September 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 January 2010, applicant filed a petition under 37 CFR 1.47(a).

On 06 April 2010, this Office mailed a decision dismissing the 21 January 2010 petition.

On 07 June 2010, applicant filed a renewed petition under 37 CFR 1.47(a).

On 16 July 2010, this Office mailed a decision dismissing the 07 June 2010 petition.

On 01 October 2010, applicant filed the instant second renewed petition under 37 CFR 1.47(a), including a declaration executed by previously nonsigning inventors Aalt Bast and Guido Haenen.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that inventor Saskia Rietjens cannot be found. Petitioner previously demonstrated that a diligent effort was made to reach inventor Rietjens. Specifically, attempts to reach Rietjens by postal mail, by courier, and by electronic mail were unsuccessful (see affidavits of Joanne Giesser and Sabrina Mikulin). Thus, it can be concluded with reasonable certainty that Rietjens cannot be found.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 05 October 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 October 2010.

Application Number: 12/443,548

-3-

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Saskia Rietjens
Heugemerweg 8B
GJ Maastricht 6221
NETHERLANDS

MAILED

NOV 02 2010

PCT LEGAL ADMINISTRATION

In re Application of RIETJENS et al
U.S. Application No.: 12/443,548
PCT Application No.: PCT/EP2007/008636
Int. Filing Date: 05 October 2007
Priority Date Claimed: 05 October 2006
For: OLIVE EXTRACTS FOR PROMOTING
MUSCLE HEALTH

Dear Saskia Rietjens:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203
Attorney Docket No.: BHD-4662-1079



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

**FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BUILDING 3
LAWRENCEVILLE NJ 08648**

MAILED

MAY 16 2011

OFFICE OF PETITIONS

| | | |
|---|---|----------------------|
| In re Application of | : | |
| LIN | : | |
| Application No. 12/443,553 | : | DECISION ON PETITION |
| Filed: March 11, 2010 | : | TO WITHDRAW |
| Attorney Docket No. 54559.00015(5796-111US) | : | 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 23, 2011.

The request is **APPROVED**.

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

The request was signed by Perry M. Fonseca on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

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

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: WEN T. LIN
840 TENNIS AVENUE
AMBLER PA 19002

cc : PERRY M. FONSECA
FOX ROTHSCHILD LLP
P.O. BOX 5231
PRINCETON NJ 08543



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 |
|--------------------|-----------------------|-----------------------|--------------------------|
| 12/443,553 | 03/11/2010 | Wen T. Lin | 54559-00015 (5796-111US) |

CONFIRMATION NO. 1025

POWER OF ATTORNEY NOTICE



29880
FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE
BLDG. #3
LAWRENCEVILLE, NJ 08648

Date Mailed: 05/10/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/23/2011.

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

/dcgoodwyn/

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



UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 2/6/2012
Patent No. : 8,053,642 B2
Serial No. : 12/443,575
Inventor(s) : Iguchi et al.
Issue Date : November 15, 2011
Title : LIGHT-RECEIVING DEVICE
File No. : 92396-269606

Re: Consideration for Certificate of Correction

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

Respecting the alleged error(s) in your request, inspection of the file of the application for the patent reveals that the alleged errors in item (75) inventor, is/are printed in accordance with the record in the Patent and Trademark Office.

Suffixes, such as “fu” or “ken” (state), and “shi” (city), are not printed in the printed patent, in accordance with the present style for printing. Therefore, no correction is in order here.

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

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (571) 572-3385
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch
ernest.white@uspto.gov

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

ECW



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MAILED

OCT 13 2011

PCT LEGAL ADMINISTRATION

CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

| | | |
|-------------------------------------|---|--------------------|
| In re Application of | : | DECISION ON |
| Schmidtke et al | : | |
| Application No.: 12/443,581 | : | |
| PCT No.: PCT/EP2007/059554 | : | PETITION |
| Int. Filing Date: 12 September 2007 | : | |
| Priority Date: 28 September 2006 | : | |
| Attorney's Docket No.: 12810871 | : | |
| For: METHOD FOR... OF DISTILLATION | : | UNDER 37 CFR 1.182 |

This decision is in response to the "PETITION UNDER 37 CFR 1.182" filed on 16 August 2011, requesting to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/EP2007/059557. Petitioner has provided the petition fee of \$400.00 by credit card.

BACKGROUND

In a communication from this Office on 16 January 2011, it indicated that applicant needed to correct the PCT serial number as the Transmittal Letter and the Electronic Acknowledge Receipt identified different international applications.

On 16 August 2011, petitioner filed a petition under 37 CFR 1.182 stating that at the time of filing the application, the international application number was incorrectly entered as PCT/EP07/059554 in the Transmittal Letter and that the correct serial number is PCT/EP2007/059557.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/EP07/059554 rather than the correct number PCT/EP2007/059557 in the transmittal letter.

Although applicants entered the incorrect PCT serial number at the time of filing the application in the transmittal letter, the correct PCT/EP2007/059557 was placed on the Electronic Acknowledge Receipt. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/EP2007/059557.

Therefore, petition to accept the correct PCT number of PCT/EP2007/059557 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 04/06/12

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12443588 Patent No.: 8110680

CofC mailroom date: 03/26/12

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: **Please check the Specifications**

should these changes be made or not?

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.

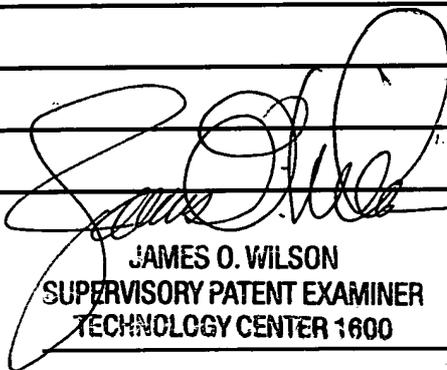
Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____



JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1624

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: 3449-1116PUS1 | Application Number (if known): 12/443,659-Conf. #1831 | Filing date: March 30, 2009 |
|---------------------------------------|---|-----------------------------|

First Named Inventor: Yong Seok CHOI

Title: SEMICONDUCTOR LIGHT EMITTING DEVICE PACKAGE

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.

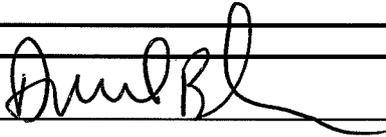
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the 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  | Date: September 17, 2010 |
| Name (Print/Typed): David A. Bilodeau | Registration Number: 42,325 |

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

*Total of 1 forms are submitted.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/443,659 | 03/30/2009 | Yong Seok Choi | 3449-1116PUS1 | 1831 |
| 2292 | 7590 | 09/30/2010 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | GURLEY, LYNNE ANN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2811 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 09/30/2010 | ELECTRONIC |

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

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

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

mailroom@bskb.com



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

| | | |
|-----------------------------------|---|-----------------------|
| In re Application of | : | |
| CHOI et al | : | DECISION ON PETITION |
| Application No. 12/443,659 | : | TO MAKE SPECIAL UNDER |
| Filed: March 30, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. 3449-1116PUS1 | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed on September 17, 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.

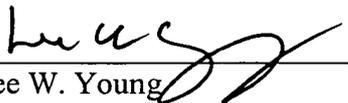
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special 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 inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2811 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



10 SEP 2010

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

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

| | | |
|-----------------------------------|---|----------------------|
| In re Application of: | : | |
| ELEJALDE et. al. | : | |
| Application No.: 12/443,660 | : | |
| PCT No.: PCT/GB2007/003712 | : | |
| Int. Filing Date: 01 October 2007 | : | DECISION ON PETITION |
| Priority Date: 30 September 2006 | : | |
| Attorney Docket No.: 15584.38 | : | |
| For: APPARATUS FOR COUPLING AN | : | |
| ULTRASOUND PROBE TO AN OBJECT | : | |

This decision is issued in response to applicants' "Petition By All Available Joint Inventors to File Application under 37 CFR 1.47(a) and 35 U.S.C. 116" filed 11 May 2010 to accept the application without the signature of joint-inventor, Malcolm John Watson.

BACKGROUND

On 01 October 2007, applicants filed international application PCT/GB2007/003712 which claimed a priority date of 30 September 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 March 2009.

On 30 March 2009, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a copy of the international application; and a preliminary amendment.

On 14 December 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 11 May 2010, applicants filed the present petition under 37 CFR 1.47(a) and three-month extension of time.

DISCUSSION

Applicants claim that co-inventor Malcolm John Watson refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 08 June 2009. The documents provided to Malcolm John Watson included instructions to the sign and return the declaration. Further, the subject petition noted that the documents were delivered to Malcolm John Watson on 09 June 2009. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Malcolm John Watson). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor.

However, the declaration filed on 11 May 2010 is defective, in that, the declaration submitted includes alterations that have not been initialed and dated. The first inventor, Naiara Elejalde, has not initialed and dated the corrections made to his/her mailing address. (See 37 CFR 1.52(c) and Manual of Patent Examining Procedure §605.04(a)).

Therefore, a newly executed declaration of the inventor (Naiara Elejalde) is required. Accordingly, item (4) has not been satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Malcolm John Watson under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298



Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of: :
ELEJALDE et. al. :
Application No.: 12/443,660 :
PCT No.: PCT/GB2007/003712 :
Int. Filing Date: 01 October 2007 :
Priority Date: 30 September 2006 :
Attorney Docket No.: 15584.38 :
For: APPARATUS FOR COUPLING AN :
ULTRASOUND PROBE TO AN OBJECT :

DECISION ON PETITION

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 09 November 2010 to accept the application without the signature of joint-inventor, Malcolm John Watson.

BACKGROUND

On 01 October 2007, applicants filed international application PCT/GB2007/003712 which claimed a priority date of 30 September 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 March 2009.

On 30 March 2009, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a copy of the international application; and a preliminary amendment.

On 14 December 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 11 May 2010, applicants filed a petition under 37 CFR 1.47(a) and three-month extension of time. In a decision dated 10 September 2010, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 09 November 2010, applicants filed the present renewed petition under 37 CFR 1.47(a)

DISCUSSION

Applicants claim that co-inventor Malcolm John Watson refuses to cooperate in the above-captioned application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 08 June 2009. The documents provided to Malcolm John Watson included instructions to the sign and return the declaration. Further, the subject petition noted that the documents were delivered to Malcolm John Watson on 09 June 2009. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Malcolm John Watson). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor.

However, the declaration filed on 09 November 2010 reveals that the declaration is not in an acceptable form. Petitioner has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains duplicate sheet of the "signature(s)" page. This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

For the reasons stated above, it is appropriate to accept the application without the signature of Malcolm John Watson under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298



Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

MAILED

FEB 02 2011

PCT LEGAL ADMINISTRATION

In re Application of: :
ELEJALDE et. al. :
Application No.: 12/443,660 :
PCT No.: PCT/GB2007/003712 :
Int. Filing Date: 01 October 2007 :
Priority Date: 30 September 2006 :
Attorney Docket No.: 15584.38 :
For: APPARATUS FOR COUPLING AN :
ULTRASOUND PROBE TO AN OBJECT :

DECISION ON PETITION

This decision is in response to applicants' (second) "Renewed Petition under 37 CFR 1.47(a)" filed 21 December 2010. In a decision dated 03 December 2010, the "Renewed Petition under 37 CFR 1.47(a)" filed 09 November 2010 was dismissed because petitioner had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor (the declaration submitted appeared to be a compilation of multiple declaration documents).

The procedural background for this application was set forth in detail in the decision mailed by this Office on 03 December 2010.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Items (1), (2) and (3) have been previously satisfied.

Regarding item (4) above, section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Malcolm John Watson). This declaration is treated as having been executed by the available inventors on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application will be given an international filing date of 01 October 2007 under 35 U.S.C. 363, and a date of **21 December 2010** under 35 U.S.C. 371(c).

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

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

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Malcolm John Watson
31 Broomhill Drive
Broomhill Glasgow G11 7AB
Scotland

In re Application of:
ELEJALDE et. al.
Application No.: 12/443,660
PCT No.: PCT/GB2007/003712
Int. Filing Date: 01 October 2007
Priority Date: 30 September 2006
Attorney Docket No.: 15584.38
For: APPARATUS FOR COUPLING AN
ULTRASOUND PROBE TO AN OBJECT

MAILED
FEB 02 2011
PCT LEGAL ADMINISTRATION

Dear Malcolm John Watson:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111



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JONATHAN D. FEUCHTWANG
2912 BRITTAN AVE
SAN CARLOS CA 94070

MAILED

OCT 06 2011

| | | |
|---|---|--------------------------|
| In re Application of | : | DECISION ON |
| Eli Ehrenpreis | : | PCT LEGAL ADMINISTRATION |
| Application No.: 12/443,671 | : | |
| PCT No.: PCT/US2007/71434 | : | |
| Int. Filing Date: 18 June 2007 | : | PETITION UNDER |
| Priority Date: 07 December 2006 | : | |
| Attorney's Docket No.: Ehrenpreis-DLPA Natl | : | |
| For: TREATMENT FOR INTESTINAL... | : | |
| BISMUTH SUBCITRATE | : | 37 CFR 1.137(b) |

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating the U.S> Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 08 August 2011.

BACKGROUND

On 18 June 2007, this international application was filed, claiming an earliest priority date of 07 December 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 07 June 2009. This international application became abandoned with respect to the United States at midnight on 07 June 2009 for failure to pay the required basic national fee.

On 30 March 2009, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the copy of the international application. However, the required national basic fee was not provided at such time.

On 15 November 2011, the United States Patent and Trademark Office mailed the NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (FORM PCT/DO/EO/912) indicating that this application indicates that the basic national fee (37 CFR 1.492(a)) required is \$330.

On 22 June 2011, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 11/15/2010 within the time period set therein.

On 08 August 2011, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459



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26211
FISH & RICHARDSON PC
P.O. Box 1022
Minneapolis, MN 55440-1022

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BERMHULT, Rolf :
U.S. Application No.: 12/443,705 :
PCT No.: PCT/SE2007/050389 :
Int. Filing Date: 13 November 2007 :
Priority Date: 20 November 2006 :
Attorney Docket No.: 09546-0035US1 :
For: PLATE HEAT EXCHANGER :

DECISION

This decision is in response to the "Request for Corrected Publication" filed 06 April 2010 which is treated as a petition under 37 CFR 1.182.

BACKGROUND

On 31 March 2009, applicant filed papers using the USPTO EFS-Web system as the national stage of PCT/SE2007/050389. However, all other papers listed the international application as PCT/SE2007/050839.

On 03 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt. Both forms recorded the PCT number as PCT/SE2007/050389.

On 24 November 2010, a corrected filing receipt was mailed listing the PCT number as PCT/SE2007/050839.

On 11 February 2010, the application was published listing PCT number as PCT/SE2007/050389.

On 06 April 2010, applicant filed the subject petition.

DISCUSSION

Applicant requests a corrected publication of the above-captioned application. Applicant claims that PCT number was erroneously listed in the publication as PCT/SE2007/050389 but should have been PCT/SE2007/050839.

Applicant states that this error "was created by the USPTO."

A review of the above-captioned application file shows that applicant listed the wrong international application number upon initial filing using the USPTO EFS-Web system. The transmittal letter, ADS, international papers, and declaration listed the international application as PCT/SE2007/050839. WIPO records also show that the name of the inventors, the title, and the international filing date correspond to PCT/SE2007/050839. However, applicant filed the subject application as the "U.S. National Stage under 35 USC 371" of "PCT/SE07/50389." See Electronic Acknowledgement Receipt dated 31 March 2009.

Accordingly, the instant petition is being treated under 37 CFR 1.182. The \$400.00 petition fee has been charged to Deposit Account No. 06-1050 as authorized.

It is clear that the subject application was intended to be filed as the national stage of PCT/SE2007/050839 but for a typographical mistake. This is sufficient for a grantable petition.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/SE2007/050839.

The Form PCT/DO/EO/903 mailed 03 November 2009 contains erroneous information on the international application number and is hereby VACATED.

This application is being forwarded to the DO/EO/US for the mailing of a corrected Form PCT/DO/EO/903.



James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302



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

Applicant: Bermhult
Appl. No.: 12/443,705
International Filing Date: November 13, 2007
Title: PLATE HEAT EXCHANGER
Attorney Docket No.: 09546-0035US1/56807 US
Pub. No.: US 2010/0032148 A1
Pub. Date: February 11, 2010

MAILED

FEB 01 2011

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on April 6, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

2 - SEP 2010



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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

| | | |
|---------------------------------------|---|-------------------|
| In re Application of | : | |
| YONEZAWA (deceased) | : | DECISION ON |
| Application No.: 12/443,759 | : | |
| PCT No.: PCT/JP2007/061210 | : | PAPERS |
| Int. Filing Date: 01 June 2007 | : | |
| Priority Date: 02 October 2006 | : | UNDER 37 CFR 1.42 |
| Attorney's Docket No.: P09697US00/DEJ | : | |
| For: MOVING OBJECT POSITION | : | |
| MONITORING SYSTEM | : | |

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 31 March 2009, which was accompanied by a declaration of the inventor. The indication in this declaration that inventor Shoichiro YONEZAWA is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 01 June 2007, applicants filed international application PCT/JP2007/061210, which designated the United States and claimed a priority date of 02 October 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 April 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 April 2009.

On 31 March 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration of the inventor. The indication in the declaration that inventor Shoichiro YONEZAWA is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 31 March 2009 has been reviewed and has been found in compliance with 37 CFR 1.42.

The declaration filed 31 March 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

28 SEP 2010



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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

In re Application of :
MORRISON, Ciaran, et al. :
Application No.: 12/443,810 :
PCT No.: PCT/IE2007/000093 :
Int. Filing Date: 05 October 2007 :
Priority Date: 05 October 2006 :
Attorney's Docket No.: 072078-0450 :
For: CENTROSOME AMPLIFICATION AS :
A BIOSENSOR FOR DNA DAMAGE :

DECISION
ON REQUEST UNDER
37 CFR 1.497(d)

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 30 July 2010.

BACKGROUND

On 18 June 2010, the Office mailed Decision On Request Under 37 CFR 1.497(d), refusing applicant's request.

On 30 July 2010, applicants filed this renewed request under 37 CFR 1.497(d).

DISCUSSION

Applicants file this request to add Emer Bourke, as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

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

Item (3) has now been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

Application No. 12/443,810

-2-

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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CHRISTINE JOHNSON ESQ.
151 Trenton Rd.
Fairless Hills PA 19030

MAILED
JUL 07 2011
OFFICE OF PETITIONS

Paper No.

In re Application of :
Shapiro et al. :
Application No. 12/443,827 : DECISION ON PETITION
Filed: April 1, 2009 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.137(B)
J163U001US04 :
Title: METHOD AND SYSTEM FOR :
MAKING ANONYMOUS ON-LINE :
PURCHASES :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed May 9, 2011, to revive the above-identified application.

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed September 29, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 30, 2010. A notice of abandonment was mailed on April 28, 2011.

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

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

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

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

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

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

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on May 9, 2011 can be processed in due course.

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

Petitioner has also submitted a three-month extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply.² Accordingly, since the \$555 extension of time submitted with the petition on May 9, 2011 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Petitioner's credit card in due course.

¹ See Rule 1.137(d).

² See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.³ All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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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. |
|--|-------------|----------------------|---------------------|------------------|
| 12/443,861 | 04/01/2009 | Kazutake Hagiya | ARC.018.0029.PC | 4204 |
| 65181 | 7590 | 10/12/2010 | EXAMINER | |
| MOTS LAW, PLLC 1629 K STREET N.W. SUITE 602 WASHINGTON, DC 20006-1635 | | | POWERS, FIONA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1626 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 10/12/2010 | PAPER |

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

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



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OCT 12 2010

MOTS LAW, PLLC
1629 K STREET N.W.
SUITE 602
WASHINGTON DC 20006-1635

In re Application of :
HAGIYA, KAZUTAKE et al : DECISION ON REQUEST TO
Application No. 12/443,861 : PARTICIPATE IN PATENT
Filed: April 1, 2009 : PROSECUTION HIGHWAY
Attorney Docket No. ARC.018.0029.PC : PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

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

The request and petition are **DISMISSED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the office actions just prior to the "Decision to Grant" (the latest "Notification of Reasons for Refusal) from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fails to comply with the requirement because:

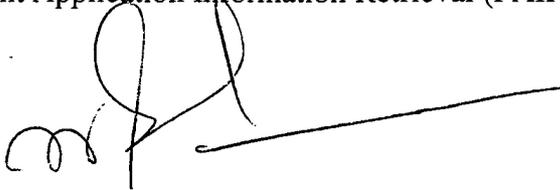
The examination of the application has already begun.

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 via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

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

A handwritten signature in black ink, consisting of a stylized 'R' and 'S' followed by a long horizontal line extending to the right.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600



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ALEXANDRIA VA 22313-1404

MAILED

DEC 22 2010

PCT LEGAL ADMINISTRATION

In re Application of: MAJUMDAR, et al. :
U.S. Application No.: 12/443,864 :
PCT No.: PCT/US2007/80480 :
International Filing Date: 04 October 2007 :
Priority Date: 04 October 2006 :
Attorney Docket No.: 1028726-000081 :
For: CARBON NANOTUBE ARRAYS AS :
THERMAL INTERFACE :
MATERIALS :

DECISION
(37 CFR 1.182)

This decision is issued in response to the "Petition Under 35 U.S.C. § 1.182" filed 17 November 2010. Applicants have paid the required petition fee.

BACKGROUND

On 22 September 2010, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original application submission on 01 April 2009 referenced two different international applications. Specifically, the application data sheet (ADS) and the Form PTO-1390 Transmittal Letter filed by applicants on 01 April 2009 (as well as the information provided by applicants during the electronic filing process) identified the application as the U.S. national stage under 35 U.S.C. 371 of international application PCT/US07/**80408**. However, the preliminary amendment filed by applicants on 01 April 2009 identified the international application number as "PCT/US2007/**080480**."

On 17 November 2010, applicant filed the "Petition Under 35 U.S.C. § 1.182" considered herein.

DISCUSSION

The petition confirms that the correct international application number for the present national stage application is PCT/US2007/**080480**. The petition states that the inclusion of the incorrect international application number among the materials filed herein was the result of an inadvertent error, and they note that the correct international application number was listed in several places within the materials filed 01 April 2009, including the preliminary amendment and the copy of the International Search Report. The petition also includes payment of the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the errors in the international application number listed on the materials filed herein on 01 April 2009. Accordingly, the present national stage application, including the payment of the basic national fee, will be treated as the U.S national stage of PCT/US2007/080480. It is noted that such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of PCT/US2007/080480, thereby avoiding abandonment of the international application with respect to the United States.

CONCLUSION

The "Petition Under 35 U.S.C. § 1.182" is **GRANTED**.

The present application will be treated as the U.S. national stage under 35 U.S.C. 371 of PCT/US2007/080480.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

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



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ALCON
IP LEGAL, TB4-8
6201 SOUTH FREEWAY
FORT WORTH TX 76134

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Bruno Dacquay, et al. :
Application No. 12/443,898 : DECISION GRANTING PETITION
Filed: April 1, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 3131F US :

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 19, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 3767 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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



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200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478

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DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of : DECISION ON
Richard Damon Goodman Roberts :
Application No. 12/443,901 :
PCT No.: PCT/GB07/50630 :
Int. Filing Date: 12 October 2007 : PETITION UNDER
Priority Date: 12 OctOber 2006 :
Attorney's Docket No.: 82742 :
For: PRESSURE SENSOR : 37 CFR 1.137 (b)

This decision is in response to applicant's' "SUBMISSION OF PETITION FOR REVIVAL OF AN APPLICATION ABANDONED UNINTENTIONALLY," filed on 05 October 2010.

BACKGROUND

On 01 April 2009, applicant filed via EFS-WEB for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 30 October 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date." The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment.

On 31 August 2010, the USPTO mailed applicant a Notification of Abandonment (Form PCT/DO/EO/909) indicating the applicant has failed to respond to the NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 10/30/2009 within the time period set therein.

On 05 October 2010, applicant filed the instant petition under 37 CFR 1.137(b), and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1) - (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



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**FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126**

MAILED

MAR 17 2011

In re Application of : **OFFICE OF PETITIONS**
Torsten Gerhardt et al :
Application No. 12/443,911 : DECISION GRANTING PETITION
Filed: April 1, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 81192530 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 14, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 7, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 3612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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



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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle WA 98104

| | | |
|------------------------------------|---|------------------------|
| In re Application of | : | |
| OGAWA, YOSHIHIKO et al | : | DECISION ON REQUEST TO |
| Application No. 12/443,940 | : | PARTICIPATE IN PATENT |
| Filed: April 01, 2009 | : | PROSECUTION HIGHWAY |
| Attorney Docket No. 733156.406USPC | : | PROGRAM AND PETITION |
| | : | TO MAKE SPECIAL UNDER |
| | : | 37 CFR 1.102(d) |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 21, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



23838
KENYON & KENYON LLP
1500 K Street N.W.
Suite 700
Washington, DC

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NOV 08 2011

PCT LEGAL ADMINISTRATION

In re Application of :
HOUARD *et al* :
U.S. Application No.: 12/443,945 :
PCT No.: PCT/FR2007/052067 :
Int. Filing Date: 03 October 2007 :
Priority Date: 04 October 2006 :
Docket No.: 13415/202082 :
For: ANCHORING AND FIXING IMPLANT :
AND SURGICAL ASSEMBLY FOR ITS :
IMPLANTATION :

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 23 September 2011.

BACKGROUND

On 01 April 2009, applicants filed papers using the USPTO EFS-Web system as the national stage of "PCT/FR2007/052607." All other papers filed on 01 April 2009 identified the PCT number as PCT/FR2007/052067. The Office processed the application as the national stage of PCT/FR2007/052607 as requested.

On 07 May 2009, applicants filed an executed declaration listing the PCT number was recorded as PCT/FR2007/052067. The names of the inventors also correspond to the inventors listed in the publication of PCT/FR2007/052067.

On 15 October 2009, United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt. Both forms recorded the international application number as PCT/FR2007/052607.

On 03 August 2011, applicants filed a request for a corrected filing receipt requesting that the international application be changed to PCT/FR2007/052067.

On 18 August 2011, a corrected filing receipt was mailed recording the international application as PCT/FR2007/052067. However, no foreign priority was listed on the filing receipt.

On 23 September 2011, applicants filed a petition under 37 CFR 1.182.

DISCUSSION

In the subject petition, applicants' request to correct the international application number in the above-captioned national stage application to PCT/FR2007/052067 which claims priority to FR 06/08703 filed 04 October 2006. Applicants state that a "typographical error" occurred during the electronic filing of the application.

The \$400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web. The application was filed as the national stage of PCT/FR2007/052067; however, applicants included a transmittal letter, specification, and international papers, identifying the international application as PCT/FR2007/052067. WIPO records show that the name of the inventors, the title, and the international filing date correspond to PCT/FR2007/052067.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/FR2007/052067 but for a clerical error upon filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is GRANTED.

Office records have been changed to show that the subject application is the national stage of PCT/FR2007/052067.

The Form PCT/DO/EO/903 mailed 15 October 2009 and filing receipt mailed 18 August 2011 are both VACATED.

This application is being forwarded to the DO/EO/US for the mailing of a corrected Form PCT/DO/EO/903 and filing receipt indicating that the above-captioned application is the national stage of PCT/FR2007/052067 claiming priority to FR 06/08703 filed 04 October 2006.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

| | |
|-----------------------------|--|
| Electronic Petition Request | PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c) |
| Application Number | 12443970 |
| Filing Date | 12-Mar-2010 |
| First Named Inventor | Hak Seong Kim |
| Art Unit | 2473 |
| Examiner Name | STEVEN NGUYEN |
| Attorney Docket Number | 2101-3634 |
| Title | METHOD FOR RETRANSMITTING DATA IN THE MULTI-CARRIER SYSTEM |

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

| | |
|---------------------|-------------|
| Signature | /Harry Lee/ |
| Name | Harry Lee |
| Registration Number | 56814 |



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : August 26,2011

In re Application of :

Hak Seong Kim

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12443970

Filed : 12-Mar-2010

Attorney Docket No : 2101-3634

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 26,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2473 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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PCT LEGAL ADMINISTRATION

PAI PATENT & TRADEMARK LAW FIRM
1001 FOURTH AVENUE, SUITE 3200
SEATTLE WA 98154

In re Application of :
SCHELLENBACH, et al. : DECISION ON PETITION
U.S. Application No.: 12/443,977 :
PCT No.: PCT/EP2007/059150 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 31 August 2007 :
Priority Date: 02 October 2006 :
Atty Docket No.: P1569US00 :
For: CLOSURE :

This decision is in response to applicant's "REQUEST TO CORRECT INVENTORSHIP" filed 15 November 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 August 2007, applicant filed international application PCT/EP2007/059150 which claimed priority to a previous application filed 02 October 2006. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 10 April 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 02 April 2009.

On 01 April 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an English translation of the international application as filed.

On 09 November 2009, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 15 November 2009, applicant filed the present petition and declaration.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

This application has an international application filing date of 31 August 2007 and will be given a date of **15 November 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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NOV 02 2011

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ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

PCT LEGAL ADMINISTRATION

| | | |
|-----------------------------------|---|-------------------|
| In re Application of | : | |
| UENOSONO (Deceased) | : | DECISION ON |
| Application No.: 12/443,993 | : | |
| PCT No.: PCT/JP07/51879 | : | REQUEST |
| Int. Filing Date: 30 January 2007 | : | |
| Priority Date: None | : | UNDER 37 CFR 1.42 |
| Attorney Docket no.: JFE-091063 | : | |
| For: HIGH COMPRESSIBILITY IRON | : | |
| POWDER AND IRON POWDER FOR DUST | : | |
| CORE AND DUST CORE USING THE SAME | : | |

This is a decision on applicant's renewed request under 37 CFR 1.42 along with a newly executed declaration filed in the United States Patent and Trademark Office (USPTO) on 29 July 2011. Applicant's request for a one month extension of time is granted.

BACKGROUND

On 02 April 2009, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee. Applicant filed an executed declaration, identifying the legal representative of the deceased inventor Uenosono.

On 26 April 2010, a decision dismissing the request was mailed to applicant indicating that the declaration failed to state the country of citizenship, residency and mailing address for both the deceased inventor and the legal representative.

On 27 May 2011, a Notification of Missing Requirements was mailed to applicant indicating that a newly executed declaration in compliance with 37 CFR 1.497(a) and (b) was required.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration submitted on 27 July 2011 identifies AYA UENOSONO as the legal

representative of the deceased inventor SATOSHI UENOSONO and states the country of citizenship, residency and mailing address for both the deceased inventor and the legal representative. Thus, the declaration as submitted meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 29 July 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459



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BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

MAILED

OCT 06 2010

OFFICE OF PETITIONS

Applicants: Ueda, et al.
Appl. No.: 12/444,039
International Filing Date: October 11, 2007
Title: Benzimidazole Compounds Having Gastric Acid Secretion Inhibitory Action
Attorney Docket: 3939-0192PUS1
Pub. No.: US 2009/0292120 A1
Pub. Date: October 26, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 26, 2010, for the above-identified application.

The request is granted

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 12/444,098 | 04/27/2009 | Yifeng Xiong | 20750-0065US1 138.US2.PCT | 6245 |
| 26204 | 7590 | 11/17/2011 | EXAMINER | |
| FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | BERNHARDT, EMILY B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1624 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 11/17/2011 | 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):

PATDOCTC@fr.com



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NOV 17 2011

Juan Zheng
FISH & RICHARDSON
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of :
XIONG :
Serial No.:12/444,098 : Decision on Petition
Filed: 27 April 2009 :
Attorney Docket No.: 20750-0065US1 :

This letter is in response to the Petition dated 12 October 2010 filed under 37 CFR 1.144 and 1.181 requesting reconsideration of the restriction requirement dated 14 June 2011.

BACKGROUND

This application was filed as a national stage in compliance with 35 U.S.C. 371 and as such is entitled for consideration under PCT unity of invention rules.

On 15 March 2011, the examiner determined that unity of invention was lacking and divided claims 1-44 into six groups. Lorsbach was cited as teaching the shared technical feature. A further election of species was required.

On 14 June 2011, applicants elected Group I and species of compound number 6 with traverse.

On 12 July 2011, the examiner prepared an Office action in which the traversal was found non-persuasive and the requirement made final. Claims 8, 9 and 28-44 were withdrawn from consideration. Claims 1-7, 10-27 and 81-91 were examined on the merits. The claims were rejected under 35 U.S.C. 112, 1st paragraph for scope of enablement. Claims 1, 2, 4-7, 13-20, 22, 27 and 91 were rejected under 35 U.S.C. 102(e) as being anticipated by Boren. Claims 1, 2, 4-7, 10-23, 27 and 91 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lohrsbach. Claims 1, 3-, 10-12, 16-17, 19-20, 24, 27 and 91 were rejected under 35 U.S.C. 103(a) as being unpatentable over Blair. Lastly, claims 1-3, 10-27 and 91 were rejected as being drawn to an improper Markush Group.

On 12 October 2011, applicants filed this petition for reconsideration of the restriction requirement.

DISCUSSION

The application, file history and both petitions have been considered carefully.

The petition requests reconsideration of the restriction requirement.

On 15 March 2011, the claims had been divided into 6 groups summarized as follows:

The compounds and compositions of Claim 1 were divided into three groups depending upon whether the R1/R2 variables formed no ring, formed a carbocyclic ring or formed a heterocyclic ring.

The process claims were then divided into three groups depending upon whether they made or used the products of Groups I, II or III.

The petition argues that the focus on one particular Markush group to divide the claim upon a perceived difference arbitrarily disrupts the intelligent cohesion of the invention. The petition argues that the restriction requirement, if maintained, would violate applicant's right to claim what they regard as their invention. This is persuasive. The division of the Markush claim 1 into 3 groups is counter to the guidance in the Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

"Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species).⁵² If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

For this reason, the restriction of alternative compounds into three Groups (Groups I, II and III) is unwarranted and hereby reformatted here as a provisional election of species requirement. Similarly, the restriction of alternative processes into three Groups (Groups IV, V and VI) is unwarranted and hereby reformatted here as a provisional election of species requirement.

The petition argues next that because the International Searching Authority had examined the claims together in the international PCT file, that the Office was also obligated to examine the

claims together in the national stage filing of the PCT. The petition argues that it would not require a serious burden to examine the claims because the claims had already been searched and examined together in the international searching authority. These arguments have been considered but are not persuasive because unity of invention may be considered anew at time of national stage filing and because additional prior art (showing that the shared technical feature does not make a contribution over the prior art) may be available for the national stage filing that was not available for the search and examination of the PCT application. In this instance, the Boren reference is available under 35 U.S.C. 102(e) for the national stage application however, it would not be available as prior art for the PCT filing.

Lastly, the petition argued that the methods of claims 28-44 share unity with the compound claims. To show unity of invention lacking between a product and the method of using the product, applicants are correct that the examiner would need to address the technical feature shared by the product and the process. In this instance, the shared technical feature is the product of claim 1. The ISPE Guidelines provides the following example directed to this situation:

10.21 Example 1

Claim 1: A method of manufacturing chemical substance X.

Claim 2: Substance X.

Claim 3: The (method of) use of substance X as an insecticide.

Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X. However, if substance X is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims.

In this example, product claim 2, directed to Substance X is identified as being the shared technical feature. In this instant application, the compounds of Group I are considered to be the shared technical feature. The method of using the compound (claim 3 of the Example) is comparable to this application's Groups (IV, V and VI) method of using the compound. In keeping with this example, the examiner originally supported the lack of unity of invention determination by identifying Lorschach as teaching share shared technical feature of Claim 1. The petition argues that the Lorschach reference teaches compounds in which the only fixed group consists of a 1,4-disubstituted piperazine. In this instance, in the outstanding Office action, the examiner has cited Boren as anticipating Claim 1, in addition to citing Lorschach, as rendering obvious Claim 1. Because of the outstanding prior art rejection(s) on the product of Group I, unity of invention remains lacking between the product and process claims

Should all claims to the elected product of Group I become in condition for allowance, MPEP 1893.05(d) provides the following guidance on rejoinder practice for applicants filed in compliance with 35 U.S.C 371.

If an examiner (1) determines that the claims lack unity of invention and (2) requires election of a single invention, when all of the claims drawn to the elected invention are

allowable (i.e., meet the requirements of 35 U.S.C. 101, 102, 103 and 112), the nonelected invention(s) should be considered for rejoinder.... Any nonelected processes of making and/or using an allowable product should be considered for rejoinder.

DECISION

The petition filed 12 October 2010 for reconsideration of the restriction requirement is **GRANTED-IN-PART**.

The restriction requirement between Groups I, II and III has been withdrawn and is replaced with a provisional election of species requirement.

Similarly, the restriction requirement between Groups IV, V and VI has been withdrawn and is replaced with a provisional election of species requirement.

The restriction requirement made between the product (compound and composition) and the process of using that product is maintained.

The application will be returned to the examiner for consideration of the papers filed 12 October 2011 and for preparation of an Office action consistent with this decision. Markush claims will be examined according to the guidance in the FR Notice. Upon allowance of the claims directed to the product, the process claims will be considered for rejoinder according to MPEP 1893.05(d) and 821.04(b).

Any requests for reconsideration must be filed within two (2) months of the mailing date of this letter.

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



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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S.FIGUEROA STREET
SUITE 2300
LOS ANGELES CA 90017

MAILED
FEB 23 2011
OFFICE OF PETITIONS

In re Application of :
Hak Seong Kim et al :
Application No. 12/444,100 : DECISION GRANTING PETITION
Filed: April 2, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2101-3648 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 17, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 10, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2462 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 12/444,115 | 11/09/2009 | Richard Pickering | 5000 | 6401 |
| 82318 | 7590 | 11/02/2011 | EXAMINER | |
| Brian R. Galvin P.O. BOX 2360 SILVERDALE, WA 98383-2360 | | | CHENG, JOE H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2468 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 11/02/2011 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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TECHNOLOGY CENTER 2400

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Brian R. Galvin
P.O. BOX 2360
SILVERDALE WA 98383-2360

In re Application of: Richard Pickering et al.
Application No. 12/444,115
Filed: November 9, 2009
For: **METHOD AND APPARATUS FOR
OPERATING A COMPUTER-
TELEPHONY 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 September 22, 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 for which participation in the PPH program is requested and the corresponding UKIPO application must have the same priority/filing date; In particular, the U.S. application (including national stage entry of a PCT application and 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):

(Case I) - is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with UKIPO,

or

(Case II) - is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in UKIPO,

or

(Case III) - is an application which shares a common priority document with the application filed in UKIPO,

or

(Case IV) - and the UKIPO application are derived from/related to a PCT application having no priority claim.

2. Applicant must submit a copy of:
 - a. The allowable/patentable claims from the UKIPO.
 - b. If the UKIPO office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH pilot program or in the transmittal letter accompanying the request for participation that no rejection has been made in the UKIPO office action regarding that claim, and therefore, the claim is deemed allowable by UKIPO
3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as allowable/patentable claim(s) in the UKIPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the UKIPO, or the claims in the USPTO are narrower in scope than the claims in the UKIPO. In this regard, a claim that is narrower in scope occurs when a UKIPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the UKIPO is not considered to sufficiently correspond. For example, if the UKIPO claims only contain claims to a process of manufacturing a product, then the claims in the USPTO are not considered to sufficiently correspond if the USPTO claims introduce product claims that are dependent on the corresponding process claims; 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) from the UKIPO application(s) containing the allowable/patentable claims that are the basis for the request ; and
 - b. In addition, the applicant must submit copies of any office actions (which are relevant to patentability) from the UKIPO application(s) issued after the grant of the request for participation in the PPH pilot program in the USPTO (especially where SPTO might have reversed a prior holding of allowability).
6. Applicant must submit:
 - a. An IDS listing the documents cited by the UKIPO examiner in the UKIPO 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).

Application SN 12/444,115
Decision on Petition

The request for participation in the 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 Patent Pros Hwy." Information regarding EFS-Web is available at http://www.uspto.gov/ebs/efs_help.html. Any preliminary amendment or IDS submitted with the PPH documents must be separately indexed as a preliminary amendment or an IDS, respectively.

For item (1) above note that **GB249363** (indicated on form PTO/SB/20UK, filed 9/22/2011) corresponds to application number WO2007GB03728, filed October 2, 2007 having priority to GB20060019520, filed October 3, 2006.

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 Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebs/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400



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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of
Jens Nielsen
Application No. 12/444.132
Filed: October 15, 2009
Attorney Docket No. DRAG-09US

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed May 6, 2011.

The request is **MOOT**.

A review of the file record indicates that power of attorney to John J. Gresens and all the attorneys/agents associated with Customer Number 23418 were revoked by the assignee of the above application on May 17, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will 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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: VEDDER PRICE, P.C.
222 N. LASALLE STREET
CHICAGO, IL 60601

- 1 OCT 2010



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LAWRENCE BERKELEY NATIONAL LABORATORY
Technology Transfer & Intellectual Property Management
One Cyclotron Road MS 56A-120
BERKELEY CA 94720

In re Application of :
Daley et al. :
Application No.: 12/444,136 :
PCT No.: PCT/US2007/082940 :
Int. Filing Date: 30 October 2007 : DECISION
Priority Date: 01 November 2006 :
Attorney Docket No.: IB-2317 :
For: Piezotube Borehole Seismic Source :

This is in response to the papers filed on 02 April 2009.

BACKGROUND

International application PCT/US2007/082940 was filed on 30 October 2007, claimed an earlier priority date of 01 November 2006, and designated the United States. The period for payment of the basic national fee in the United States expired as of midnight on 01 May 2009. Applicants filed *inter alia* a basic national fee in 12/444,136 on 02 April 2009.

DISCUSSION

Review of the instant application file reveals that the Transmittal Letter (Form PTO-1390) filed on 02 April 2009 was directed toward the national stage under 35 U.S.C. 371 of "PCT/US2007/02940," and the Electronic Acknowledgment Receipt dated 02 April 2009 shows that applicants indicated "PCT/US07/02940" was the subject of the submission. The Application Data Sheet also refers to "PCT/US2007/02940." However, the bibliographic information for this case resembles that for PCT/US2007/082940, not PCT/US2007/002940. For instance, PCT/US2007/082940 has the same international filing date, priority date, title and applicant as shown on the Transmittal Letter. In view of the discrepancy, it is not sufficiently clear which international application was intended to enter the national stage. Resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

It is noted that the declaration filed on 02 April 2009 appears to have been assembled by aggregating separately signed sheets into one document. This is not appropriate in view of the policy described at MPEP 201.03 and 605.04(a) "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages)." An acceptable oath or declaration is required.

Further inspection of the declaration reveals that it names "Ernie L. Majer" and "Thomas M. Daley" in place of "MAJER, Ernest, L." and "DALEY, Tom, M." nominated in the published international application. Since these changes clearly represent more than mere typographical errors, a petition under 37 CFR 1.182 would be required in order for the inventors' names to be accepted as they appear on the declaration. See MPEP 605.04(b), 605.04(c) and 1893.01(e).

DECISION

The papers filed on 02 April 2009 are **NOT ACCEPTED** under 35 U.S.C. 371, without prejudice, as described above.

A proper response (as described herein) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response should be entitled "Petition Under 37 CFR 1.182." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



LAWRENCE BERKELEY NATIONAL LABORATORY
Technology Transfer & Intellectual Property Management
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BERKELEY CA 94720

MAILED

JUN 16 2011

PCT LEGAL ADMINISTRATION

In re Application of
Daley et al.
Application No.: 12/444,136
PCT No.: PCT/US2007/082940
Int. Filing Date: 30 October 2007
Priority Date: 01 November 2006
Attorney Docket No.: IB-2317
For: Piezotube Borehole Seismic Source

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 01 December 2010.

DISCUSSION

In a Decision mailed on 01 October 2010, applicants were advised that the papers filed on 02 April 2009 were not being accepted under 35 U.S.C. 371, without prejudice, because of a discrepancy in the international application number. Applicants were further advised that resolution of this matter would require a formal petition (and fee) under 37 CFR 1.182, clarifying which international application was intended to enter the national stage under 35 U.S.C. 371.

In response, petitioner states (in part) that "The Transmittal Letter filed April 2, 2009 directed toward the national stage filing under 35 USC 371 incorrectly referred to the PCT application to which this application claimed priority as PCT/US2007/02940. This was in error, and the priority claim should have been to PCT/US2007/082940." Based on the totality of the evidence now of record, it would be appropriate to accept petitioner's statements as to the nature of the discrepancy and as to the identity of the international application which is to enter the national phase. To the extent that petitioner wishes to amend the application (e.g., page 1, para. 1), the submission of a formal amendment would be appropriate.

With respect to the declaration, the new declaration filed on 01 December 2010 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). The surcharge under 37 CFR 1.492(h) is being charged to Deposit Account 12-0690, per the authorization included in the petition.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**, as described above.

This application is being returned to the Office of Patent Application Processing for processing as the national stage under 35 U.S.C. 371 of PCT/US2007/082940. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **01 December 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



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NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-S1
1109 MCKAY DRIVE
SAN JOSE CA 95131**

**MAILED
SEP 07 2010
OFFICE OF PETITIONS**

In re Application of :
Gilberto Curatola et al :
Application No. 12/444,140 : DECISION GRANTING PETITION
Filed: April 2, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00 6642 US1 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 1, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 17, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2816 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 12/444,193 | 04/03/2009 | Jürg Bauer | 17418-00034 | 7164 |
| 23416 | 7590 | 03/29/2012 | EXAMINER | |
| CONNOLLY BOVE LODGE & HUTZ, LLP | | | LI, QIAN JANICE | |
| P O BOX 2207 | | | ART UNIT | PAPER NUMBER |
| WILMINGTON, DE 19899 | | | 1633 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 03/29/2012 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Roberte M. D. Makowski, Ph. D.
CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of :
Bauer et al :Decision on Petition
Serial No.: 12/444,193 :
Filed : 3 April 2009 :
Attorney Docket No.: 17418-0034-US :

This letter is in response to the petition filed on 9 March 2012 under 37 CFR 1.144 or 1.181 to request reconsideration of the requirement for restriction. No fee is required for this type of petition.

BACKGROUND

This application is filed in compliance with 35 U.S.C. 371 and is therefore entitled to consideration under PCT unity of invention Rule 13.2.

A review of the file record shows that claims 1-36 were divided into 5 groups in a lack of unity requirement on 15 March 2011. A further election of a single polypeptide/polynucleotide pair was required.

Group I, Claims 19-30, drawn to polynucleotide and polypeptide products, along with method of using the polynucleotide to produce the polypeptide.

Group II, Claim 31, drawn to an antibody.

Group III, Claims 32 and 33, drawn to a non-human transgenic organism (animal or microorganism).

Group IV, Claims 32 and 33, drawn to a transgenic plant.

Group V, Claims 34-36, drawn to a process of cultivating the host cell or the organism of Claim 19 for producing a substance of formula I.

On 16 May 2011, applicants elected Group I and SEQ ID NO 13, which encodes SEQ ID NO 14, with traverse.

On 29 June 2011, the examiner considered the traversal and made the requirement FINAL with the following modifications: Group I and Group V will be examined together and all the sequences of Claim 19 have been searched and will be examined together. Claims 31-33 were withdrawn from consideration. Claims 19-30 and 34-36 were examined on the merits. Claim 34 was objected to for encompassing more than one invention. Claim 34 was examined to the extent that it read upon the elected invention of a method of using a host cell. Claims 19-30 and 34-36 were rejected under 35 U.S.C. 102(a) as being anticipated by Zank. The examiner indicated that SEQ ID NOs 1-16 were free of the prior art.

Applicants filed a response to the Office action on 23 September 2011.

On 25 November 2011, the examiner prepared a FINAL Office action in which the PTOL-326 form indicates that claims 31-33 were withdrawn from consideration and claims 19-30 and 34-36 were objected to. No Claims were indicated as either allowed or rejected. In the body of the Office action, Claim 32 was objected to for not being a proper dependent claim based upon MPEP 1850 and PCT Rule 6.4. Claims 19-30 were objected to for failing to recite 'an isolated' between 'a' and 'polynucleotide.' Claims 34-36 were objected to for encompassing more than one invention.

On 27 February 2012, applicants filed an after final amendment.

On 7 March 2012, the examiner mailed an Advisory Action in which proposed amendment would not be entered because it raised new issues that would require further search and consideration.

On 9 March 2012, applicants filed this petition.

DISCUSSION

The petition and file history have been considered carefully.

Because on 27 February 2012, in an amendment filed prior to the filing of this petition, Applicants have proposed to cancel Claim 31, drawn to an antibody which specifically recognizes the polypeptide of claim 30, this decision will not address the propriety of the lack of unity with regards to Group II.

The petition requests reconsideration of the restriction required between Group I and Claim 32-33. Withdrawn Claims 32 and 33, depending, directly or indirectly, upon examined Claim 19, are shown below:

32. (Withdrawn) A transgenic, nonhuman organism comprising the polynucleotide of claim 19.

33. (Withdrawn) The transgenic, nonhuman organism of claim 32, wherein the organism is an animal, a plant or a multicellular microorganism.

Claim 32 and 33 are both in the same statutory category of invention (both products) and both require the polynucleotide of Claim 19, along with an additional component (transgenic organism). The petition points to Example 13 of the International Search and Examination (ISPE) Guidelines as support for their argument. This is persuasive. ISPE Guidelines provide several examples on point with these types of claims. In addition to Example 13, the ISPE Guidelines also provides Example 15, which also supports a finding of unity of invention. While in Examples 13 and 15, each claim is written in independent claim format, the outcome would be the same for claims drafted in dependent claim format. In either event, unity of invention exists between these types of product claims. See Example 15

“Claim 1: Compound A.

Claim 2: An insecticide composition comprising compound A and a carrier.

Unity exists between claims 1 and 2. The special technical feature common to all the claims is compound A.”

Consistent with Examples 13 and 15 of the ISPE Guidelines, unity of invention is present, a priori, between examined Claim 19 and withdrawn Claims 32 and 33.

The petition also raises concerns about the placement of Claims 32 and 33 into two separate groups for examination, based upon limitations recited in the alternative of Claim 33. This type of restriction, required on 15 March 2011, is inconsistent with the 9 February 2011 Federal Register Notice entitled “Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications.” This Notice applies to both national applications filed under 35 U.S.C. 111(a) and national stage applications filed in compliance with 35 U.S.C. 371. Page 7166 sets forth guidelines for the treatment of Markush-type claims:

“Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim).”

In view of these guidelines, the restriction requirement between the embodiments of the Markush claims (Groups II and IV) cannot be maintained. It is hereby replaced with a provisional election of species requirement for search and examination purposes.

The petition requests reconsideration of the objection made over Claims 34-36, which were examined in part, to the extent that they read upon the elected invention.

The restriction requirement placed Claims 34-36 into Group V and then required applicants, if they elected Group V, to elect a single species of plant or organism for search purposes.

Group V. Claims 34-36, drawn to a process for production of a substance in the general formula I.

Upon election of group V, further elect a specific type of material for carrying out the process, i.e. identifying a specific host cell comprising a specific polynucleotide, e.g. SEQ ID No: 1 or a transgenic mouse comprising SEQ ID No: 1.

Because Applicants elected Group I, no election was made for Group V. The examiner subsequently rejoined Group V, and at that time, elected upon Applicant's behalf, the embodiment of (i) host cell comprising the polynucleotide of Claim 19

By not permitting applicants to elect one of the two embodiments recited in Claim 34, the examiner had, in essence, elected an embodiment for applicants. This is counter to MPEP 818.03, which states that "Applicant must make his or her own election; the examiner will not make the election for the applicant. 37 CFR 1.142, 37 CFR 1.143."

In the first and final Office action, the examiner objected to Claims 34-36 for reciting non-elected subject matter and required applicants to re-write claims to be directed solely to the elected subject matter. Even if applicants had made an election from the Markush Group of Claim 34, the objection would still be counter to MPEP 803.02 and 821.03. Applicants have a right to retain non-elected embodiments recited in the alternative of a single claim. Markush claims are to be examined in accordance with MPEP 803.02 and the 2011 Federal Register Notice.

In the final Office action, the examiner objected to Claim 32 for not being a dependent claim of claim 19 "based on the definition of MPEP 1850 and PCT Rule 6.4." While this application is filed in compliance with 35 U.S.C. 371, for examination purposes, the examiner should apply the US statutes and rules, not the PCT Rules.

Finally, it is noted that the examiner has indicated that "polypeptides and polynucleotides are considered independent inventions absent evidence to the contrary." This assertion is counter to the 27 March 2007 OG Notice on the Examination of Polynucleotide Sequences, which stated that:

For International applications and national stage filings of international applications under 35 U.S.C. 371, unity of invention determination will be made in view of PCT Rule 13.2, 37 CFR 1.475 and Chapter 10 of the ISPE Guidelines. Unity of invention will exist when the polynucleotide molecules, as claimed, share a general inventive concept, i.e., share a technical feature which makes a contribution over the prior art.

DECISION

For these reasons, the petition is **GRANTED**.

The objection to Claim 32 for not being a dependent claim of claim 19 "based on the definition of MPEP 1850 and PCT Rule 6.4" is withdrawn. Improper claim dependencies should be addressed under 35 U.S.C. 112, 4th paragraph or 37 CFR 1.75.

The objection of Claims 34-36 for reciting non-elected subject matter is withdrawn.

The Office action mailed 25 November 2011 has been withdrawn as incomplete for not addressing the claims on the merits- no claim was indicated as either allowable or rejected.

Applicant is no longer under obligation to respond to the paper mailed 25 November 2011.

The amendment filed 27 February 2012 will be entered.

The restriction required between Groups I and V and between the sequences of Claim 19 was withdrawn in the first Office action on the merits.

As a result of this decision, the restriction required between Group III and Group IV has been withdrawn and replaced with an election of species amongst the alternatives of Claim 32.

Because Applicants have made a provisional election of a plant, animal or multicellular micro-organism from Claim 33, **Applicants are given one month from the mail date of this petition decision to elect a species (animal, plant or multicellular microorganism) from Claim 33 for search and examination purposes.**

Upon election, the application will be forwarded to an examiner for consideration of the papers filed 27 February 2012 and for preparation of an Office action on the merits.

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.

Wanda L. Walker

Wanda Walker
Director, Technology Center 1600



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875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Application of :
Nekmard :
Application No. 12/444,210 : **DECISION ON PETITION**
Filed: January 13, 2010 :
Attorney Docket No. 102792-650(11933P3) :

This is a decision on the renewed petition, filed January 17, 2012 filed under 37 CFR 1.137(a), which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed June 14, 2011, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on December 16, 2011.

Petitioner asserts that the non-final Office action dated June 14, 2011 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the master docket for the firm docket record where the nonreceived Office action would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. It is noted that in this limited instance the "Due Date List by Date" is being treated as a Master docket based on the description provided in the Declaration. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

In light of the submission of the response to the June 14, 2011 Office action the Office action⁴ will not be re-mailed. The application will be referred to art unit 1761 for processing of the response filed on petition in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

/Charlema Grant/
Charlema Grant
Attorney Advisor
Office of Petitions

MAILED

JUN 24 2011



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PCT LEGAL ADMINISTRATION

Commissioner for Patents
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Alexandria, VA 22313-1450
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STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

In re Application of :
PEEPLES, Mark, et al. :
U.S. Application No.: 12/444,264 :
PCT No.: PCT/US2007/080493 :
International Filing Date: 04 October 2007 :
Priority Date: 05 October 2006 :
Attorney's Docket No.: HAL 2376 002 :
For: UNRESTRICTED MUTAGENESIS AND :
CLONING METHODS :

DECISION ON REQUEST
FOR WITHDRAWAL AS
ATTORNEY OF RECORD

This decision is in response to the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PTO/SB/83) filed by above-named counsel on 06 July 2009.

The assignee of the above-captioned application has filed materials revoking all prior powers of attorney in the present application and setting a new correspondence address.

In view of the above, above-named counsel are no longer the attorneys of record in the present application. Accordingly, the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PTO/SB/83) filed on 06 July 2009 is appropriately **DISMISSED AS MOOT**.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3296



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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

Applicants: Leitner, et al.
Appl. No.: 12/444,289
International Filing Date: October 1, 2007
Title: CHIRAL PHOSPHORUS COMPOUND
Attorney Docket: JMYT-439US
Pub. No.: US 2010/0240898 A1
Pub. Date: September 23, 2010

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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 23, 2010, for the above-identified application.

The request is granted

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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



09 SEP 2010

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Alexandria, VA 22313-1450
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27045
ERICSSON INC.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

In re Application of :
KAZMI *et al* :
U.S. Application No.: 12/444,305 :
PCT No.: PCT/SE2007/050681 :
Int. Filing Date: 27 September 2007 :
Priority Date: 03 October 2006 :
Attorney Docket No.: P22852-US1 :
For: METHOD FOR TRANSMISSION OF :
MBMS CONTROL INFORMATION IN A :
RADIO ACCESS NETWORK :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 17 June 2010.

BACKGROUND

On 17 December 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 17 June 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a \$130.00 surcharge fee; a \$130.00 petition fee; a four-month extension and \$1,730.00 extension fee; a declaration signed by two inventors; a declaration of Pamela Shultz; a declaration of Renee Ahlund; and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Vera VUKAJILOVIC, "is unavailable" and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.¹

Regarding item (2) of 37 CFR 1.47(a), applicants claim that Ms. VUKAJLOVIC is unavailable to execute the declaration. A review of the evidence presented shows that Ms. VUKAJLOVIC has been contacted by Ms. Renee Ahlund on 02 June 2010. Ms. Ahlund states that Ms. VUKAJLOVIC spoke to her and was informed that she was "currently out of the country and therefore unavailable to sign the requested documents."

This evidence is insufficient to satisfy item (2) of 37 CFR 1.47(a).

Applicants' burden in showing that an inventor cannot be reached is explained in MPEP § 409.03(d)(I) which states, in relevant part:

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

For this reason, item (2) of 37 CFR 1.47(a) is not satisfied.

It is also noted that applicants must provide a complete copy of the application (specification, claims and drawings) to the nonsigning inventor. See MPEP § 409.03(d)(II). The declarations of Ms. Shultz and Ms. Ahlund state that only a Declaration and Power of Attorney was sent to Ms. VUKAJLOVIC. Further, there is no evidence that Ms. VUKAJLOVIC even received these documents.

All the requirements of 37 CFR 1.47(a) are not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by

¹ Applicants submitted a \$130.00 petition fee. The fee for a petition under 37 CR 1.47 is \$200 pursuant to 37 CFR 1.17(g). The difference has been charged to counsel's Deposit Account. The last known address of the nonsigning inventor is recorded in the petition. A declaration signed by two of the three named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and satisfies the requirements of section 409.03(a) of the MPEP.

the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



27045
ERICSSON INC.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024

MAILED

DEC 08 2010

PCT LEGAL ADMINISTRATION

In re Application of :
KAZMI *et al* :
U.S. Application No.: 12/444,305 :
PCT No.: PCT/SE2007/050681 :
Int. Filing Date: 27 September 2007 :
Priority Date: 03 October 2006 :
Attorney Docket No.: P22852-US1 :
For: METHOD FOR TRANSMISSION OF :
MBMS CONTROL INFORMATION IN A :
RADIO ACCESS NETWORK. :

DECISION

This decision is in response to the papers titled "Response to Petition Decision" filed 06 October 2010. This response is treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 09 September 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 06 October 2010, applicants filed the subject response which was accompanied by a declaration executed by the nonsigning inventor and a \$130.00 surcharge fee.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventor, Vera VUKAJILOVIC. This declaration is in compliance with 37 CFR 1.497(a) & (b).

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The \$130.00 surcharge fee was previously submitted on 17 June 2010.

The surcharge fee filed with the subject response has been credited back to Deposit Account No. 50-1379 as authorized.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 27 September 2007, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 06 October 2010.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/444,344 | 07/01/2009 | Birgitte L. Eriksen | 2815-0384PUS2 | 8249 |
| 2292 | 7590 | 10/17/2011 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | MCDOWELL, BRIAN E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1624 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 10/17/2011 | 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):

mailroom@bskb.com



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Gerald M. Murphy, Jr.
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of :
Eriksen et al :Decision on Petition
Serial No.: 12/444,344 :
Filed: 1 July 2009 (national phase) :
Attorney Docket No.: 2815-0384PUS2 :

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on 10 June 2010 requesting reconsideration of the 13 May 2011 holding that applicants amendment filed 21 March 2011 is non-responsive. Because the petition has only been recently forwarded to the deciding official, the resulting delay in acting up this petition is regretted.

BACKGROUND

On 28 May 2010, the examiner set forth a lack of unity requirement which divided claims 1-9, 11 and 14 into four groups. It is noted that Groups I, II and II were all directed to portions of claims 1-9, depending upon the variables A', A'', R1 and R2.

On 28 June 2010, applicants elected Group I with traverse.

On 29 July 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered and the lack of unity made final. Claims 11, 14 and 26 were withdrawn from consideration pursuant to 37 CFR 1.142(b). Claims 1-9 and 15-17 were objected to for reciting non-elected subject matter. Claims 1-7, 9 and 15-25 were rejected under 35 U.S.C. 112, 2nd paragraph. The examiner indicated that Claim 8 was objected to and allowable subject matter indicated.

On 29 December 2010, the examiner mailed to applicants an Ex Parte Quayle action in which claims 11, 14 and 26 remained withdrawn from consideration. Claims 18-25 were indicated as allowable. Claims 1-9 and 15-17 were indicated as objected, however no objections or rejections

were made on these claims. The examiner stated that non-elected subject matter should be removed from the claims.

On 21 March 2011, applicants filed a response cancelling claims 11, 14 and 26.

On 13 May 2011, the examiner mailed a miscellaneous action stating that the non-elected subject matter should be removed from the claims. And indicating that the response filed 21 March 2011 is considered non-responsive to the Ex parte Quayle action mailed 29 December 2010.

On 10 June 2011, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

First, concerning the propriety of the intra-claim restriction required between Group I, Group II and Group III, in February 2011, the Office issued a Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

"Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines, the restriction between Groups I, II and III is withdrawn and reformatted as a provisional election of species requirement. Elected species will continue to be examined in a manner consistent to the Federal Register Notice.

Second, the Ex parte Quayle action was incomplete for not fully treating claims 1-9 and 15-17 on the merits. Although the coversheet indicated that these claims were objected, no objection, rejection or indication of allowance was found in the body of the action. For this reason, the Ex parte Quayle action was incomplete.

Finally, the petition requests that the amendment filed 21 March 2011 be accepted as responsive. This is persuasive. MPEP 803.02 indicates that applicants are entitled to retain alternatives in a Markush claim and that these alternatives should be examined to the extent necessary to determine patentability of the claim.

DECISION

The petition filed under 37 CFR 1.181 on 10 June 2011 is **GRANTED** follows.

The restriction required between Groups I, II and III has been withdrawn and is replaced with an election of species requirement.

The Examiner's request to remove subject matter from the claims has been withdrawn.

The Ex parte Quayle action is withdrawn as incomplete for not treating claims 1-9 and 15-17 fully on their merits.

The response filed 21 March 2011 has been entered and will be considered on the merits for patentability.

The application will be forwarded to the examiner to consider the papers filed 21 March 2011, and to prepare an Office action consistent with this petition decision. Markush claims will be examined according to the procedures set forth in the February 2011 Federal Register Notice.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.



Remy Yucel
Director, Technology Center 1600



**CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110**

MAILED

DEC 01 2010

OFFICE OF PETITIONS

In re Application of

SEZER, Sakir

Application No. 12/444,346

Filed: May 15, 2009

Attorney Docket No. **2006982-0026**

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**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610**



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OCT 07 2010

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re application of
Haucke et al.

Application No. 12/444,369

Filed: April 03, 2004

For: METHOD AND DEVICE FOR PROCESSING
FISH, POULTRY, OR OTHER MEAT
PRODUCTS TRANSPORTED IN MULTITUDE
ALONG A PROCESSING LINE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 27, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of August 27, 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: 10/05/10



Judge Patent Associates
Vert Nakanoshima Kita, Suite 503
6-3 Nishitemma 4-Chome, Kita-ku
Osaka-Shi 530-0-047 JP JAPAN

MAILED

JAN 13 2011

In re Application of : DECISION ON
Shigeaki et al :
Application No.: 12/444,391 :
PCT No.: PCT/JP2008/06853 :
Int. Filing Date: 01 October 2008 : PETITION
Priority Date: 02 October 2007 :
Attorney's Docket No.: 081.0001 :
For: FUNCTIONAL BASE... OTHER SUBSTRATE : UNDER 37 CFR 1.182

PCT LEGAL ADMINISTRATION

This decision is in response to the "PETITION Under 37 CFR 1.182... under 35 USC 371," filed on 18 November 2010, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/JP2009/06853.. Petitioner has charged the petition fee of \$400.00 to Deposit Account No.: 04-0213.

BACKGROUND

On 01 October 2008, this international application was filed, claiming an earliest priority date of 02 October 2007.

On 04 April 2009, applicants filed via EFS-WEB entry into the national stage in the United States. However, the incorrect PCT number was submitted at the time of electronic filing since applicant typed in the Electronic Acknowledgement Receipt the international application number PCT/JP2008/068524..

On 18 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905, which indicated the translation of the application into English... the number of claims in the International Application and the number of claims in the translation are not the same..

In response to the Notification mailed on 18 August 2010, applicants mailed on 18 November 2010 the current petition to correct the international application number that identified it as PCT/JP2008/068524 rather than the correct application number **PCT/JP2008/068523**.

DISCUSSION

Petitioner states that the international number was accidentally misidentified and that the correct PCT application serial no. is **PCT/JP2008/068523**.

Although, applicants entered the incorrect international application number at the time of filing the national stage application, the correct number **PCT/JP2008/068523** was provided in International Application Report Status Report. Accordingly, there is sufficient evidence that the correct international application PCT number is **PCT/JP2008/068523** for the national stage commencement.

Therefore, petition to accept the correct PCT number of **PCT/JP2008/068523** for the instant application is granted, and will be reflected in the filing receipt.

The refund of \$65.00 to the applicants has been processed.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRIDGESTONE AMERICAS, INC.
1200 FIRESTONE PARKWAY
AKRON OH 44317

MAILED
JAN 04 2012
OFFICE OF PETITIONS

In re Application of :
Robertson et al :
Application No. 12/444,463 : DECISION ON PETITION
Filed: July 22, 2009 :
Attorney Docket No. P05014US2A :

This is a decision on the petition under 37 CFR 1.182, filed December 6, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed.

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.

This application is being referred to the Office of Data Management for further processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Attorney Advisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

Cc: Renner, Kenner, Grieve
Bobak, Taylor & Weber
First National Tower
Fourth Floor
Akron, OH 44308



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 |
|--------------------|-----------------------|--------------|---------------|-----------------|------------|------------|
| 12/444,463 | 07/22/2009 | 1765 | 2498 | P05014US2A | 22 | 7 |

CONFIRMATION NO. 9406

CORRECTED FILING RECEIPT

48985
BRIDGESTONE AMERICAS, INC.
1200 FIRESTONE PARKWAY
AKRON, OH 44317



Date Mailed: 01/03/2012

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)

James Hall, Mogadore, OH;
Christopher G. Robertson, Akron, OH;
Sandra Warren, Gradignan, FRANCE;
Georg G.A. Bohm, Akron, OH;
Mark Arigo, Hudson, OH;
Noriko Mori, Tokyo, JAPAN;

Power of Attorney:

Jonathan Wood--39076
Arthur Reginelli--40139
Thomas Kingsbury--41116
Sarah Jabbari--47679
Meredith Hooker--47839

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US07/21476 10/05/2007
which claims benefit of 60/850,043 10/06/2006

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: 01/06/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/444,463**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

BRANCHED POLYMERS AND METHODS FOR THEIR SYNTHESIS AND USE

Preliminary Class

525

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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.

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: | 12/444,481 | Filing date: | April 6, 2009 |
|-----------------|------------|--------------|---------------|

| | |
|-----------------------|-----------------------|
| First Named Inventor: | Christian Ochs et al. |
|-----------------------|-----------------------|

| | |
|-------------------------|---|
| Title of the Invention: | LAMINATES COMPRISING THERMOPLASTIC POLYSILOXANE-UREA COPOLYMERS |
|-------------------------|---|

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/EP2007/060693

The international filing date of the corresponding PCT application(s) is/are: October 9, 2007

- I. List of Required Documents:**
- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**
 - Is attached
 - Is not attached because the document is already in the U.S. application.
 - b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**
 - Is attached.
 - Is not attached because the document is already in the U.S. application.
 - c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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.: 12/444,481

First Named Inventor: Christian Ochs et al.

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

 Is attached Has already been filed in the above-identified U.S. application on July 9, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

 Are attached. Have already been filed in the above-identified U.S. application on July 9, 2009**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|--------------------------|--|---|
| 10 | 1 | Modified for U.S. Format |
| 11 | 2 | Modified for U.S. Format |
| 12 | 3 | Modified for U.S. Format and to eliminate multiple dependencies |
| 13 | 3 | Modified for U.S. Format and to eliminate multiple dependencies |
| 14 | 4 | Modified for U.S. Format and to eliminate multiple dependencies |
| 15 | 4 | Modified for U.S. Format and to eliminate multiple dependencies |
| 16 | 5 | Modified for U.S. Format and to eliminate multiple dependencies |
| 17 | 5 | Modified for U.S. Format and to eliminate multiple dependencies |
| 18 | 5 | Modified for U.S. Format and to eliminate multiple dependencies |
| 19 | 6 | Modified for U.S. Format and to eliminate multiple dependencies |
| 20 | 8 | Modified for U.S. Format and to eliminate multiple dependencies |
| 21 | 9 | Modified for U.S. Format |
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III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

| | |
|--------------------------------------|---------------------------|
| Signature /William G. Conger/ | Date February 28, 2011 |
| Name (Print/Typed) William G. Conger | Registration Number 31209 |

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. |
|--|-------------|----------------------|---------------------|------------------|
| 12/444,481 | 04/06/2009 | Christian Ochs | WAS1007PUSA | 9503 |
| 22045 | 7590 | 03/23/2011 | EXAMINER | |
| BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075 | | | TRAN, THAO T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1787 | |
| | | | 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

EL

March 23, 2011

In re application of : DECISION ON REQUEST TO
Ochs et al. : PARTICIPATE IN PATENT
Serial No. 12/444,481 : PROSECUTION HIGHWAY
Filed: April 06, 2009 : PROGRAM AND
For: **LAMINATES COMPRISING** : PETITION TO MAKE SPECIAL
THERMOPLASTIC POLYSILOXANE- : UNDER 37 CFR 1.102(a)
UREA COPOLYMERS

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 02, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700



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Commissioner for Patents
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REINHART BOERNER VAN DEUREN P.C.
2215 PERRY GREEN WAY
ROCKFORD, IL 61107

MAILED
FEB 02 2011
OFFICE OF PETITIONS

Applicant: Beigbeder, et al.
Appl. No.: 12/444,511
International Filing Date: October 18, 2007
Title: MARINE ANTI-BIOFOULING AND FOULING RELEASE COMPOSITION
Attorney Docket: 507254
Pub. No.: US 2010/0130665 A1
Pub. Date: Ma7 27, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 11, 2010 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error wherein the benefit claim to the provisional application was not included in the publication.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor with respect to the benefit claim is not a material Office error.

The error in the benefit claim is not a material Office error because the benefit claim was correctly published in the PCT application as WO 2008/046166. The misprint 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.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221 (a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

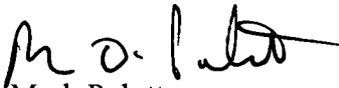
A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication”.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Paper No.

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

DEC 15 2011

OFFICE OF PETITIONS

In re Application of :
Hong et al. :
Application No. 12/444,517 : DECISION ON PETITION
Filed: April 6, 2009 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.137(B)
BA9383USPCT :
Title: FUNGICIDAL MIXTURES :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed November 9, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed November 29, 2010, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 30, 2010. A notice of abandonment was mailed on July 13, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

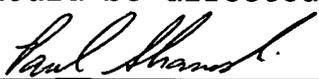
With this petition, Petitioner has submitted the petition fee, an election of species, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the election of species that was received on November 9, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of :
Mark A. Deininger et al :
Application No. 12/444,519 :
Filed: January 7, 2010 :
Attorney Docket No. R3990/374210 :

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 June 3, 2011.

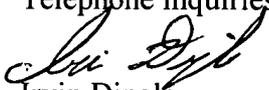
The request is **APPROVED**.

The request was signed by James L. Ewing, IV on behalf of all the practitioners of record associated with Customer Number 23370.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee C-3 International, LLC at the below address.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: C-3 International, LLC
c/o Mark Deininger
675 Springview Court
Roswell, GA 30076



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/444,519 | 01/07/2010 | Mark A. Deininger | R3990/374210 |

CONFIRMATION NO. 9670

POWER OF ATTORNEY NOTICE



23370
JOHN S. PRATT, ESQ
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

Date Mailed: 07/05/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/03/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/444,519 | 01/07/2010 | Mark A. Deininger | R3990/374210 |

CONFIRMATION NO. 9670

POA ACCEPTANCE LETTER



OC00000048462320

C-3 INTERNATIONAL, LLC
C/O MARK DEININGER
675 SPRINGVIEW COURT
ROSWELL, GA 30076

Date Mailed: 07/05/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/03/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/s/ [Signature]

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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United States Patent and Trademark Office
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 12/444,599, 04/07/2009, Alla Gourevitch, LUZ080PU, 1440
Row 2: 7590, 05/04/2011, MARSTELLER & ASSOCIATES, P O BOX 803302, DALLAS, TX 75380-3302
Row 3: EXAMINER LAURITZEN, AMANDA L
Row 4: ART UNIT 3737, PAPER NUMBER
Row 5: MAIL DATE 05/04/2011, DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Handwritten signature of Nina Samel
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : March 9, 2012

In re Application of :

Jun Kudo

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12444618

Filed : 18-May-2009

Attorney Docket No : 4905-001

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 9, 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 3761 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

| | |
|-----------------------------|--|
| Electronic Petition Request | PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c) |
| Application Number | 12444618 |
| Filing Date | 18-May-2009 |
| First Named Inventor | Jun Kudo |
| Art Unit | 3761 |
| Examiner Name | JACQUELINE STEPHENS |
| Attorney Docket Number | 4905-001 |
| Title | ABSORBENT ARTICLE AND METHOD FOR PRODUCING ABSORBENT ARTICLE |

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- Applicant(s) status remains as SMALL ENTITY.
- Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that:
- The RCE request, submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- A sole inventor
- A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- A joint inventor; all of whom are signing this e-petition
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

| | |
|---------------------|---------------------|
| Signature | /Benjamin Hauptman/ |
| Name | Benjamin Hauptman |
| Registration Number | 29310 |



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/444,623 | 04/07/2009 | Akira Yasuga | OLI-040 | 1767 |
| 32628 | 7590 | 05/04/2011 | EXAMINER | |
| KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848 | | | ART UNIT | PAPER NUMBER |
| | | | 2834 | |
| | | | 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.



KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

| | | |
|-----------------------------|---|-----------------------|
| In re Application of | : | |
| AKIRA YASUGA | : | DECISION ON PETITION |
| Application No. 12/444,623 | : | TO MAKE SPECIAL UNDER |
| Filed: April 07, 2009 | : | THE GREEN TECHNOLOGY |
| Attorney Docket No. OLI-040 | : | PILOT PROGRAM |

This is a decision on the petition under 37 CFR 1.102, filed on February 01, 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.

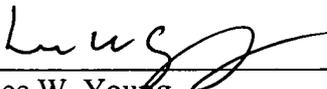
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special 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 2834 for action on the merits commensurate with this decision.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 12/444,712 | 04/08/2009 | Ju-Hyun Kang | 3563-0113PUS1 | 1884 |
| 2292 | 7590 | 02/09/2011 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH | | | ASSOUAD, PATRICK J | |
| PO BOX 747 | | | ART UNIT | PAPER NUMBER |
| FALLS CHURCH, VA 22040-0747 | | | 2858 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 02/09/2011 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



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**BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747**

**In re Application of
KANG et al.**

Application No.: 12/444,712

Filed: 08 April 2009

Attorney Docket No.: 3563-0113PUS1

**For: APPARATUS AND METHOD FOR
BALANCING OF BATTERY CELL'S
CHARGE CAPACITY**

**: 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 10 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.

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



18 AUG 2010

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Alexandria, VA 22313-1450
www.uspto.gov

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

| | | |
|--|---|---------------------|
| In re Application of: | : | |
| POULSEN, Sylwia, Ewa, Krol, et al. | : | DECISION ON RENEWED |
| U.S. Application No.: 12/444,744 | : | PETITION UNDER |
| PCT No.: PCT/DK2006/000579 | : | 37 CFR 1.47(b) |
| International Filing Date: 16 October 2006 | : | |
| Priority Date: 16 October 2006 | : | |
| Attorney's Docket No.: 5852-4PUS | : | |
| For: A TRACHEOSTOMY TUBE | : | |
| ASSEMBLY | : | |

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 19 July 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 23 June 2010. The decision dismissed without prejudice the petition under 37 CFR 1.47(b) for failure to satisfy all the requirements of a grantable petition. Specifically, petitioner had failed to provide an acceptable declaration executed by the 37 CFR 1.47(b) applicant on behalf of the non-signing inventors and the required statement under 37 CFR 3.73(b).

On 19 July 2010, petitioner filed the "Renewed Petition Under 37 CFR 1.47(b)" considered herein.

DISCUSSION

The original petition was accompanied by a declaration executed on behalf of the non-signing inventors by Stuart E. Krieger, as a representative of 37 CFR 1.47(b) applicant Unomedical A/S (Unomedical). However, as set forth in the previous decision, the record did not provide an acceptable indication that Mr. Krieger was authorized to act on behalf of Unomedical, and his title ("Counsel, Patents") did not provide him with apparent authority to so act. The present renewed petition was accompanied by a "Declaration Of Stuart E. Krieger" in which Mr. Krieger expressly states that he is authorized to act on behalf of Unomedical. In view of this statement, the declaration filed 15 April 2010 may now be accepted in satisfaction of the declaration requirement of a grantable petition under 37 CFR 1.47(b).

The renewed petition was also accompanied by the statement under 37 CFR 3.73(b) required to complete the proprietary interest element of a grantable petition.

Based on the above, petitioner has now satisfied the two outstanding requirements of a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application is accepted without the signature of non-signing inventors Sywia Ewa Krol POUSLEN and Mohd Akhir bin SAARI.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventors of the application will be forwarded to the last known addresses of the non-signing inventors, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 April 2010.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273- 0459



UNITED STATES PATENT AND TRADEMARK OFFICE

18 AUG 2010

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Sywia Ewa Krol POULSEN
6 Lingkaran Meru Valley 1A
Meru Valley Golf Country Club, Jelapang
30020 Ipoh, Perak
MALAYSIA

In re Application of: POULSEN, Sylwia, Ewa, Krol, et al.
U.S. Application No.: 12/444,744
PCT No.: PCT/DK2006/000579
International Filing Date: 16 October 2006
Priority Date: 16 October 2006
Attorney's Docket No.: 5852-4PUS
For: A TRACHEOSTOMY TUBE ASSEMBLY

Dear Ms POULSEN:

You are identified as the inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:

Edward M. Weisz
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176
USA



UNITED STATES PATENT AND TRADEMARK OFFICE

18 AUG 2010

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Mohd Akhir bin SAARI
No. 66, Sungai Limau
Kulim, Kedah MY 09600

In re Application of: POULSEN, Sylwia, Ewa, Krol, et al.
U.S. Application No.: 12/444,744
PCT No.: PCT/DK2006/000579
International Filing Date: 16 October 2006
Priority Date: 16 October 2006
Attorney's Docket No.: 5852-4PUS
For: A TRACHEOSTOMY TUBE ASSEMBLY

Dear Mr. SAARI:

You are identified as the inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:

Edward M. Weisz
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176
USA



23 AUG 2010

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

| | | |
|-------------------------------------|---|-----------------------|
| In re Application of | : | |
| LUETTIN, et al. | : | |
| Application No.: 12/444,767 | : | |
| PCT No.: PCT/EP2007/009770 | : | DECISION ON PETITION |
| Int. Filing Date: 12 November 2007 | : | |
| Priority Date: 10 November 2006 | : | UNDER 37 CFR 1.497(d) |
| Attorney Docket No.: BHD-4662-1099 | : | |
| For: PROCESS FOR THE PREPARATION OF | : | |
| B-IONONES AND VITAMIN A, VITAMIN A | : | |
| DERIVATIVES, CAROTENES AND | : | |
| CAROTENOIDS | : | |

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed 12 July 2010 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the \$130.00 petition fee.

BACKGROUND

On 12 November 2007, applicant filed international application PCT/EP2007/009770, which claimed a priority date of 10 November 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 15 May 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 May 2009.

On 08 April 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee; an Information Disclosure Statement and a preliminary amendment.

On 13 January 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 12 July 2010, applicant filed the petition discussed herein accompanied by a petition for a four-month extension of time and payment of the extension of time fee. The response is considered timely filed.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied all of the above items. As such, it is proper to grant applicant's request at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 12 November 2007 and will be given a date of **12 July 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 21 2011

PCT LEGAL ADMINISTRATION

PARFOMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

| | | |
|--|---|----------------|
| In re Application of: | : | |
| BAJGROWICZ, Jerzy, A., et al. | : | |
| U.S. Application No.: 12/444,804 | : | DECISION |
| PCT Application No.: PCT/CH2007/000508 | : | (37 CFR 1.182) |
| International Filing Date: 16 October 2007 | : | |
| Priority Date: 18 October 2006 | : | |
| Attorney's Docket No.: 102790-311 (30269) | : | |
| For: 2,3,3-Trimethylcyclopent-3- | : | |
| Enecarbaldehyde Derivatives Useful As | : | |
| Odorants | : | |

This decision is issued in response to the "Response And Petition" filed 13 January 2011, treated herein under 37 CFR 1.182. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed on 14 December 2010. The communication indicated that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original application submission on 08 April 2009 referenced two different international applications. Specifically, the application data sheet (ADS) filed by applicant identified the application as the U.S. national stage under 35 U.S.C. 371 of international application number PCT/CH2007/000508, and the declaration executed such application number (the submission also included a copy PCT/CH2007/000508); however, the information provided by applicants during the electronic filing process identified the application as the U.S. national stage under 35 U.S.C. 371 of international application PCT/GB2007/000508.

On 13 January 2011, applicants filed the "Response And Petition" considered herein.

DISCUSSION

The petition confirms that the correct international application number for the present national stage application is PCT/CH2007/000508. The petition also notes that the correct international application number was listed in several places within the materials filed 08 April 2009, including the ADS and the preliminary amendment. The petition also includes payment of the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the inconsistency in the international application numbers provided herein on 08 April 2009. Accordingly, the national stage application materials filed on 08 April 2009, including the payment of the basic national fee, will be treated as the U.S. national stage of PCT/CH2007/000508. It is noted that such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of PCT/CH2007/000508, thereby avoiding abandonment of the international application with respect to the United States.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 15 January 2010, both of which identified the application as the U.S. national stage of PCT/GB2007/000508, are appropriately vacated. A corrected Notification Of Acceptance and filing receipt will be issued that properly identify the application as the U.S. national stage of PCT/CH2007/000508.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

The present application will be treated as the U.S. national stage under 35 U.S.C. 371 of PCT/CH2007/000508.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt mailed 15 January 2010 are hereby **VACATED**

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including mailing a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt that identify the application as the U.S. national stage of PCT/CH2007/000508, and referring the application to the Office of Publications for consideration of applicant's 29 April 2010 request for republication..

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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United States Patent and Trademark Office
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PAROMAK, ANDREW N.
NORRIS MCLAUGHLIN & MARCUS PA
875 THIRD AVE. 8TH FLOOR
NEW YORK, NY 10022

MAILED

MAR 28 2011

OFFICE OF PETITIONS

Applicants: Bajgrowicz, et al.

Appl. No.: 12/444,804

International Filing Date: October 16, 2007

Title: 2, 2, 3-TRIMETHYCYCLOPENT-3-ENECARBALDEHYDE DERIVATIVES
USEFUL AS ODORANTS

Attorney Docket: 102790-311(30269)

Pub. No.: US 2010/0105782 A1

Pub. Date: April 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 25, 2010, for the above-identified application.

The request is granted, since the petition under 37 CFR 1.182 was granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.


Mark Polutta

Senior Legal Advisor

Office of Patent Legal Administration

Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

AUG 16 2011

OFFICE OF PETITIONS

In re Application of :
Gobelt, et al. :
Application No. 12/444,867 :
Filed: March 12, 2010 :
Attorney Docket No. **1238.042US1** :

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed August 1, 2011, to change the name of a joint inventor cited on this application in USPTO records.

The petition is granted.

The name of the third named joint inventor for the above-cited application is changed to "Sabine Stelz".

A corrected filing receipt is enclosed.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

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: 12/444,867, 03/12/2010, 1765, 1214, 1238.042US1, 22, 1

CONFIRMATION NO. 3390

CORRECTED FILING RECEIPT

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402



Date Mailed: 08/11/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Bernd Gobelt, Wesel, GERMANY;
Jurgen Omeis, Dorsten-Lembeck, GERMANY;
Sabine Stelz, Oberhausen, GERMANY;
Sandra O'Shea, Wesel, GERMANY;

Assignment For Published Patent Application

BYK-Chemie GmbH, Wesel, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 21186

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP2007/008781 10/09/2007

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

GERMANY 10 2006 048 144.5 10/10/2006

If Required, Foreign Filing License Granted: 03/17/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/444,867

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

WETTING AGENTS AND DISPERSANTS BASED ON MIXTURES OF STRUCTURE COPOLYMERS

Preliminary Class

524

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APR 14 2011

ALBEMARLE CORPORATION
451 FLORIDA STREET
BATON ROUGE LA 70801-1765

PCT LEGAL ADMINISTRATION

| | | |
|-----------------------------------|---|----------|
| In re Application of | : | |
| BROWN, William R., et al. | : | |
| Application No.: 12/444,870 | : | |
| PCT No.: PCT/US2008/050659 | : | |
| Int. Filing Date: 09 January 2008 | : | DECISION |
| Priority Date: 10 January 2007 | : | |
| Docket No.: K2-7611-US | : | |
| For: FORMULATIONS FOR REACTION | : | |
| INJECTION MOLDING AND FOR | : | |
| SPRAY SYSTEMS | : | |

This decision is in response to Applicant's Petitions Under 37 CFR 1.181, filed in the above-captioned application on 15 February 2011.

BACKGROUND

On 09 April 2009, applicants supplied a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee. Applicants had supplied a declaration for the United States under PCT Rule 26ter during the international phase.

On 04 January 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late furnishing of the search fee, examination fee or oath or declaration were required.

On 16 February 2010, applicants filed a copy of the Rule 4.17 declaration and stated that they believed no further declaration was required.

On 16 August 2010, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that requirements under 35 USC 371(c)(1), (c)(2) and (c)(4) and all of 35 USC 371 were satisfied on 16 February 2010.

On 15 February 2011, applicants filed a petition under 37 CFR 1.181 to correct the Notification of Acceptance.

DISCUSSION

The Notification of Acceptance issued in error. The PCT Rule 4.17 declaration did not satisfy the requirements of PCT Rule 26ter. The 04 January 2010 Notification of Missing Requirements correctly indicated that an oath or declaration in compliance with 37 CFR

1.497(a)-(b) and the surcharge were required, but unfortunately it did not reference the Rule 4.17 declaration or its deficiencies.

Applicants supplied a declaration within the time limit of PCT Rule 26*ter*, but it did not comply with PCT Rule 26*ter*. The declaration that applicants furnished reads "this declaration is directed to international application No. PCT/.....(if furnishing declaration pursuant to Rule 26*ter*)." Applicants entered "Filed Herewith" in the application number space. As this declaration was not properly completed prior to execution by the inventors, it does not comply with 37 CFR 1.497(a)-(b). It fails to identify the international application to which it was directed.

Contrary to applicants' assertion, the form PCT/IB/371 does not indicate that applicants satisfied PCT Rule 26*ter*. The notice indicates only that applicants' corrected declaration was supplied within the time limit set forth in that rule. This Rule 4.17 declaration did not identify to the inventors, the application to which it was directed. "Filed Herewith" is not the international application number. Further, "filed herewith" would indicate that the declaration formed part of the international application, which it did not.

CONCLUSION

Applicants' petition to accept the Rule 4.17 declaration is **DISMISSED** without prejudice.

The Form PCT/DO/EO/903, mailed 16 March 2010, is **VACATED**.

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



23 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

HITCHCOCK EVERT LLP
P.O. BOX 131709
DALLAS TX 75313-1709

In re Application of :
MCDOWELL, et al. : DECISION ON PETITION
Serial No.: 12/444,887 :
PCT No.: PCT/US2007/072938 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 06 July 2007 :
Priority Date: 09 October 2006 :
Atty Docket No.: 5STR-33716-US :
For: AUTOMATIC PARKING STRUCTURE :

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 11 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 06 July 2007, applicant filed international application PCT/US2007/072938 which claimed priority to a previous application filed 09 October 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 09 April 2009.

On 09 April 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement and a preliminary amendment.

On 11 January 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 11 August 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time. With payment of the five-month extension of time, applicant's present response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1 and 4.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature." 409.03(d) also states that:

In the present case, it is clear that inventor Charles Jefferson Fritts was presented with a complete set of application papers. However, a sufficient amount of time did not pass from the mailing of the papers to Mr. Fritts and the filing of the present petition to consider his non-response as a refusal. In any request for reconsideration applicant should confirm that to date Mr. Fritts has not responded.

As to inventor Juan Carlos Acevedo, the petition states that his current address is not known. In order to show that a diligent effort has been made to locate Mr. Acevedo applicant must provide the USPTO with results of search attempts to locate a current address, i.e. internet or telephone directory searches. (See further MPEP 409.03(d): Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.)

Regarding item (3), applicant has not provided the last known addresses for the non-signing inventors. (See MPEP 409.03(e)).

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Application No.: 12/444,887

3

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

A handwritten signature in black ink, appearing to read 'D. A. Putonen', written in a cursive style.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294



HITCHCOCK EVERT LLP
P.O. BOX 131709
DALLAS TX 75313-1709

MAILED
NOV 29 2010
PCT LEGAL ADMINISTRATION

In re Application of :
MCDOWELL, et al. : DECISION ON PETITION
Serial No.: 12/444,887 :
PCT No.: PCT/US2007/072938 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 06 July 2007 :
Priority Date: 09 October 2006 :
Atty Docket No.: 5STR-33716-US :
For: AUTOMATIC PARKING STRUCTURE :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 25 October 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 August 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 25 October 2010, applicant filed the present renewed petition. 23 October 2010 being a Saturday the renewed petition is considered timely filed.

DISCUSSION

As detailed in the decision mailed 23 August 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1 and 4.

With the filing of the present renewed petition and supporting exhibits, applicant has satisfied the remaining items showing that a complete set of application papers was sent to inventor Fritts. To date, the inventor has not returned a signed declaration. Further, despite a diligent effort, applicant has not been able to locate inventor Acevedo. Applicant has provided the last known addresses of the non-signing inventors and it is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 06 July 2007 under 35 U.S.C. 363, and will be given a date of **11 August 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

Mr. Juan Carlos Acevedo
1121 College Parkway
Lewisville, TX 75077

MAILED

NOV 29 2010

PCT LEGAL ADMINISTRATION

In re Application of
MCDOWELL, et al.
Serial No.: 12/444,887
PCT No.: PCT/US2007/072938
Int. Filing Date: 06 July 2007
Priority Date: 09 October 2006
Atty Docket No.: 5STR-33716-US
For: AUTOMATIC PARKING STRUCTURE

Dear Mr. Acevedo:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of Record:
HITCHCOCK EVERT LLP
P.O. BOX 131709
DALLAS TX 75313-1709



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United States Patent and Trademark Office
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Mr. Charles Jefferson Fritts
3112 Hillside Drive
Highland Village, TX 75077

In re Application of
MCDOWELL, et al.
Serial No.: 12/444,887
PCT No.: PCT/US2007/072938
Int. Filing Date: 06 July 2007
Priority Date: 09 October 2006
Atty Docket No.: 5STR-33716-US
For: AUTOMATIC PARKING STRUCTURE

MAILED

NOV 29 2010

PCT LEGAL ADMINISTRATION

Dear Mr. Fritts:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
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Tel: (571) 272-3294

Counsel of Record:
HITCHCOCK EVERT LLP
P.O. BOX 131709
DALLAS TX 75313-1709



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 12/444,935 | 05/14/2009 | Jordi Bach Taza | 09605.0051-00000 | 3833 |
| 22852 | 7590 | 12/08/2011 | EXAMINER | |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | RICCI, CRAIG D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1628 | |
| | | | 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.



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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

Applicant: Tana et al.
Appl. No.: 12/444,935
Filing Date: May 14, 2009
Title: DERIVATIVES OF 4-(2-AMINO-1-HYDROXYETHYL)PHENOL AS AGONISTS OF
THE BETA2 ADRENERGIC RECEPTOR
Attorney Docket No.: 09605.0051-00000
Pub. No.: US 2010/0168161 A1
Pub. Date: July 1, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on July 29, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 12/09/2011 KKING1
08/01/2011 INTEFSW 00000597 12444935
01 FC:1504 -300.00 0P

Refund Ref: 0030105352
12/09/2011

Credit Card Refund Total: \$300.00

Am Exp.: XXXXXXXXXXXX4008



02 AUG 2010

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KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly VA 20153-1200

In re Application of SHIM et al. :
Application No.: 12/444,943 : DECISION ON PETITION
PCT No.: PCT/KR07/04999 :
Int. Filing: 12 October 2007 : UNDER 37 CFR 1.47(a)
Priority Date: 12 October 2006 :
Attorney Docket No.: PBC-0148 :
For: PLASMA DISPLAY APPARATUS :

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 14 June 2010, to accept the application without the signature of the joint inventor BYOUNG JU KIM. Applicant's request for a three month extension of time is granted.

BACKGROUND

On 13 January 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b), was required.

On 14 June 2010, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor BYOUNG JU KIM, alleging that he refuses to sign the application and cannot be contacted.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant satisfied Item (1) with the payment of the petition fee of \$200, charged to applicant's deposit account per his authorization and Item (4) with the submission of the

declaration executed by the joint inventor. Item (3) is satisfied with a statement of the nonsigning inventor's last known address.

With regard to item (2), applicant submitted the statement of Park Kirack, employee of LG Electronics Inc., assignee. Mr. Kirack states that since the application was filed, inventor Kim left the employment of LG Electronics. Mr. Kirack states that he has made diligent efforts to contact inventor Kim. However, the details of these attempts are not set forth in his statement. Mr. Kirack states that he mailed a letter along with a copy of the application and declaration to inventor Kim's last known address by certified mail. However, an English translation of this letter dated 13 May 2010 did not accompany his statement and is required. Moreover, the Korean mailing receipt was not translated into the English language. Such translation is required if it is to be relied upon. Mr. Kirack states that inventor Kim was not at this address and therefore was not available to sign the declaration. It is unclear whether Mr. Kirack utilized Mr. Kim's last known address which was provided in an email dated 13 June 2010 (Exhibit E). In fact, none of the Exhibits attached to the petition are referenced in the statement of facts. It is unclear whether this was the address used by Mr. Kirack in his attempt to contact the nonsigning inventor. It is also curious that Mr. Kirack's name was inserted by hand into a typed statement of fact. Mr. Kirack's statement does not satisfy Item (2).

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in pertinent part:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. *A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956)*

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document

evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

With respect to Petitioner's inability to find or reach Mr. Kim, Petitioner must demonstrate what "diligent efforts" were undertaken by Petitioner to locate him and obtain his signature on the declaration. As indicated in the MPEP Section 409.03(d), where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, *a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.* The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, it does not appear that a diligent effort was made to locate the nonsigning inventor, using an Internet searches, contact with the joint inventor to obtain the nonsigning inventor's current address, a forwarding address or current email address and/or current employer. It does not appear that a request was made of the Korean Postal Service to obtain Mr. Kim's forwarding address. When inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a "diligent effort" was made. Petitioner's statement of facts under 37 CFR 1.47(a) should describe these efforts to locate the nonsigning inventor.

The action taken by petitioner is not sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it cannot be concluded that the nonsigning inventor refuses or is unavailable to sign the application. Petitioner has not satisfied Item (2) by demonstrating with a first hand statement of the "diligent efforts" made to contact the nonsigning inventor.

Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

Petitioner is advised that all documents must be submitted in the English language or accompanied by an English language translation.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
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PCT LEGAL ADMINISTRATION

KED & ASSOCIATES, LLP
P.O. Box 8638
Reston VA 20195

In re Application of SHIM et al. :
Application No.: 12/444,943 : DECISION ON PETITION
PCT No.: PCT/KR07/04999 :
Int. Filing: 12 October 2007 : UNDER 37 CFR 1.47(a)
Priority Date: 12 October 2006 :
Attorney Docket No.: PBC-0148 :
For: PLASMA DISPLAY APPARATUS :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 19 January 2011, to accept the application without the signature of the joint inventor BYOUNG JU KIM. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 13 January 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b), was required.

On 14 June 2010, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor BYOUNG JU KIM, alleging that he refuses to sign the application and cannot be contacted.

On 02 August 2010, a decision dismissing the petition was mailed, indicating that Petitioner had not provided factual proof that the non-signing joint inventor refused to execute the application or could not be reached after diligent effort.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (3) and (4).

With regard to item (2), applicant submitted the 13 January 2011 statement of Ki Rack Park, employee and representative of LG Electronics Inc., assignee. Mr. Park states that he reviewed and confirmed that a letter dated 13 May 2010 was sent to inventor Kim at his last known address by registered mail. This correspondence was returned as undeliverable. A request was made of the Korean Postal Service to obtain Mr. Kim's forwarding address. The Korean Postal Delivery Certificate indicated that the letter was returned due to the "absence of the addressee". Mr. Park further states that the Korean Postal service was unable to produce a forwarding address for inventor Kim.

The declaration of Samuel W. Ntiros, patent attorney, was submitted regarding multiple internet searches that he conducted in an attempt to locate inventor Kim. These searches were unsuccessful in locating inventor Byoung Ju Kim. Copies of his internet search were attached to his statement.

The action taken by petitioner is sufficient to prove that "a diligent effort" was made to contact the nonsigning inventor. Under these circumstances, it can now be concluded that the nonsigning inventor is unavailable to sign the application. Petitioner has satisfied Item (2) by demonstrating in the first hand statements the "diligent efforts" that were made to locate the nonsigning inventor.

In sum, Petitioner has satisfied Items (1)-(4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 14 June 2010. The application has an international filing date of 12 October 2007 under 35 U.S.C. 363, and a date of 14 June 2010 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
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Office of PCT Legal Administration

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PCT LEGAL ADMINISTRATION

BYOUNG JU KIM
102-610 BOSUNG HWANGSIL apt. SAGOK-DONG
GUMI-SI
GYUNGSANGBUK-DO
REPUBLIC OF KOREA

In re Application of SHIM et al.
Application No.: 12/444,943
PCT No.: PCT/KR07/04999
Int. Filing: 12 October 2007
Priority Date: 12 October 2006
Attorney Docket No.: PBC-0148
For: PLASMA DISPLAY APPARATUS

Dear Mr. Kim:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
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FEB 24 2011

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

PCT LEGAL ADMINISTRATION

In re Application of: ZHANG, Xinhui, et al. :
U.S. Application No.: 12/445,024 :
PCT No.: PCT/US2007/081110 :
International Filing Date: 11 October 2007 :
Priority Date: 12 October 2006 :
Attorney's Docket No.: 091331-0151 :
For: ROTARY RECLINER MECHANISM :

DECISION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition Pursuant To 37 C.F.R. §1.47(a)" filed 11 August 2010. Applicants have paid the required petition fee.

BACKGROUND

On 11 October 2007, applicants filed international application PCT/US2007/081110. The international application claimed a priority date of 12 October 2006, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 12 April 2009.

On 09 April 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 11 January 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 11 August 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge, declarations executed by two of the three inventors of record, and the "Petition Pursuant To 37 C.F.R. §1.47(a)" considered herein. The petition seeks acceptance of the application without the signature of non-signing co-inventor Xinhui ZHANG, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or

declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Procedure (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors of record, and the declarations include an unsigned signature block for the non-signing inventor, Xinhui ZHANG. These declarations may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Accordingly, item (3) of a grantable petition is satisfied.

Regarding item (4), MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, “[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.” The MPEP also states the following:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement, with supporting documents, providing an acceptable showing that multiple requests for signature, accompanied by a copy of the complete application, were delivered to the last known address of the non-signing inventor (an address that was specifically provided to applicants' attorney by the non-signing inventor) and that the non-signing inventor has failed to provide the requested signature in response to applicants' requests. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Xinhui ZHANG.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 August 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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FEB 24 2011

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Xinhui ZHANG
1562 Martinique Drive
Troy, Michigan 48084

In re Application of: ZHANG, Xinhui, et al.
U.S. Application No.: 12/445,024
PCT No.: PCT/US2007/081110
International Filing Date: 11 October 2007
Priority Date: 12 October 2006
Attorney's Docket No.: 091331-0151
For: ROTARY RECLINER MECHANISM

Dear Mr. ZHANG:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

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Counsel Of Record:
Matthew J. Kremer
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FOLEY AND LARDNER LLP
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OFFICE OF PETITIONS

| | | |
|---------------------------------|---|----------------------|
| In re Application of | : | |
| Baas et al. | : | DECISION ON PETITION |
| Application No. 12/445,037 | : | TO WITHDRAW |
| Filed: February 17, 2010 | : | FROM RECORD |
| Attorney Docket No. 069818-9075 | : | |

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 9, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

As there is no Statement under 37 CFR 3.73(b) filed in the instant application, the request cannot be approved at this time. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions which require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.


Alicia Kelley
Petitions Examiner
Office of Petitions



60172
SCHWABE, WILLIAMSON & WYATT, P.C.
1420 Fifth, Suite 3010
Seattle, WA 98101

MAILED
MAR 08 2011

In re Application of :
SIMMS *et al* :
U.S. Application No.: 12/445,055 :
PCT No.: PCT/AU2007/001559 :
Int. Filing Date: 11 October 2007 :
Priority Date: 11 October 2006 :
Attorney Docket No.: 120825-170834 :
For: METHOD AND APPARATUS FOR :
MANAGING MULTIMEDIA FILES :

PCT LEGAL ADMINISTRATION

DECISION

This decision is in response to applicants' petition under 37 CFR 1.137(b) and 37 CFR 1.47(a) filed 14 January 2011.

BACKGROUND

On 22 December 2009, the Office mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time under 37 CFR 1.136(a) available.

On 01 March 2010, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failure to respond to the Form PCT/DO/EO/905 within the time period set therein.

On 14 January 2011, applicants filed a petition to revive under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a petition under 37 CFR 1.47(a); a petition to revive fee of \$810.00; a petition under 37 CFR 1.47(a) fee of \$200.00; a declaration signed on behalf of the nonsigning inventor; and a copy of a written statement by the nonsigning inventor, John Vernon POLGLASE.

DISCUSSION

Petition to Revive Under 37 CFR 1.137(b)

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicants provided the petition fee for a small entity. Applicants' statement in the petition meets the requirement of 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Items (2), (3) and (4) of 37 CFR 1.137(b) are satisfied.

With regards to item (1) of 37 CFR 1.137(b), applicants submitted a declaration executed by one of the two named inventors accompanied by a petition under 37 CFR 1.47(a) for the three nonsigning inventors. A grantable petition under 37 CFR 1.47(a) is required to satisfy this item.

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors.

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.¹

Regarding item (2) of 37 CFR 1.47(a), the 37 CFR 1.47(a) applicants provided a written statement by co-inventor, John V. POLGLASE in which he expressly refuses to join in the application and requests that he not receive a copy of the application papers. This letter is considered to be an express refusal to join. This evidence satisfies the requirements of MPEP § 409.03(d)(II).

Item (2) of 37 CFR 1.47(a) is also satisfied.

All items of 37 CFR 1.47(a) are complete.

A grantable petition under 37 CFR 1.47(a) is an appropriate response to the Form PCT/DO/EO/905 mailed 22 December 2009. Item (1) of 37 CFR 1.137(b) is also satisfied.

All items of 37 CFR 1.137(b) have been completed.

¹ Applicants submitted a \$200.00 petition fee. The address of Mr. POLGLASE is listed below the signature on his letter dated 11 January 2011. A declaration signed by one of the two named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and satisfies the requirements of section 409.03(a) of the MPEP.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) and petition under 37 CFR 1.137(b) are hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 October 2007, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 14 January 2011.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

John V. Poglase
54 Minnamurra Road
Auburn Vale
NSW 2360
Australia

In re Application of
SIMMS *et al*
U.S. Application No.: 12/445,055
PCT No.: PCT/AU2007/001559
Int. Filing Date: 11 October 2007
Priority Date: 11 October 2006
Attorney Docket No.: 120825-170834
For: METHOD AND APPARATUS FOR
MANAGING MULTIMEDIA FILES

MAILED

MAR 08 2011

PCT LEGAL ADMINISTRATION

Dear Mr. Poglase:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

SCHWABE, WILLIAMSON & WYATT, P.C.
1420 Fifth, Suite 3010
Seattle, WA 98101



14 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

00140
LADAS & PARRY LLP
26 West 61st Street
New York, NY 10023

In re Application of :
KARUSALA *et al* :
U.S. Application No.: 12/445,105 :
PCT No.: PCT/IN2007/000469 :
Int. Filing Date: 09 October 2007 :
Priority Date: 10 October 2006 :
Attorney Docket No.: U017685-1/JAB :
For: ONE POT PROCESS FOR THE :
PREPARATION OF CANDESARTAN :

DECISION

This decision is in response to the papers filed 13 July 2010 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 08 June 2010, a decision granting applicants' request to add an inventor pursuant to 37 CFR 1.497(d) was mailed. However, the declaration filed pursuant to PCT Rule 4.17(iv) was not accepted. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 13 July 2010, applicants filed the subject response.

DISCUSSION

The prior decision stated that the declaration filed in the international application pursuant to PCT Rule 4.17(iv) was defective. The decision noted that the declaration listed the last names of the inventors first, while the signatures of the inventors do not match the names. A new declaration in compliance with 37 CFR 1.497(a) and (b), or a petition under 37 CFR 1.182 was suggested.

In the subject response, applicants assert that the family names of the inventors are BANDARI, KARUSALA, TUMMALAPALLI, GORANTLA and OM. Applicants argue that the inventors chose to sign their declarations in traditional form (with their family names, and one or more given names). Applicants state that the form of the signature is of no significance pursuant to MPEP § 605.04(a).

It is first noted that the problem with the declaration filed pursuant to PCT Rule 4.17(iv) was not the signature of the inventors. The issue is that the names of the

inventors appeared to be entered incorrectly.

Nonetheless, the requirement for an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is satisfied if a declaration in compliance with PCT Rule 4.17(iv) and executed by all the inventors was submitted within the time limits provided in PCT Rule 26ter.1. See MPEP § 1893.01(e).

A review of the international publication ("WO 2008/044244") shows that the inventors are listed as KARUSALA, Nageswara Rao, TUMMALAPALLI, Uma Sankarra Sastry, BANDARI, Mohan, and GORANTLA, Seeta Ramanjaneyulu (Dr. Dutt Tyaggi OM was added upon entering the national stage in the United States pursuant to 37 CFR 1.497(d)). Applicants also state that the family names of the inventors are BANDARI, KARUSALA, TUMMALAPALLI, GORANTLA and OM. This is an acceptable response.

The declaration filed in the international phase pursuant to PCT Rule 4.17(iv) is accepted.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is GRANTED.

The names of the five inventors in the above-captioned national stage application are KARUSALA, Nageswara Rao, TUMMALAPALLI, Uma Sankarra Sastry, BANDARI, Mohan, GORANTLA, Seeta Ramanjaneyulu, and OM, Dutt Tyaggi.

This application is being forwarded to the United States Designated/Elected Office for further processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 12/445,107 | 04/14/2010 | Peter Unsworth | 50407-00002 | 5071 |
| 25231 | 7590 | 10/07/2010 | EXAMINER | |
| MARSH, FISCHMANN & BREYFOGLE LLP 8055 East Tufts Avenue Suite 450 Denver, CO 80237 | | | ART UNIT | PAPER NUMBER |
| | | | 2173 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 10/07/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver CO 80237

In re Application of: UNSWORTH et al.
Application No. 12/445,107
Attorney Docket #: 50407-00002
Filed: April 10, 2009
For: INTERACTIVE DISPLAY SYSTEM.

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 9, 2010 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 UK IPO, 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 UK IPO, 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 UK IPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (iii) contains no priority claim.

- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the UK IPO application(s)
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s) and
 - b. Submit a claims correspondence table 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 ALL the office action(s) just prior to the "Decision to Grant a Patent" from each of the UK IPO application(s) containing the allowable/patentable claim(s)
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application)
 - 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 fail to comply with the above requirements.

In particular:

Item 3: The claims correspondence table lists claims 1 – 20 in the US application. However, the US application contains only claims 177-196. Further Claim 177 of the US application seems to be missing the limitation “corresponding to different areas of the interactive surface” as found in the last line of claim 1 of the corresponding UK IPO application. This is just an example. Applicants are requested to ensure that the claims in the US application sufficiently correspond to the allowed claims of the UK IPO application.

Item 5: Applicants have not submitted any office action from the UK IPO in the corresponding application. Neither is there a statement that there were no actions issued from the UK IPO in the corresponding application.

Item 6: Applicants state that all references cited by the UK IPO in the corresponding application have been submitted in an IDS filed on 7/8/09, and 4/14/10. However, it is impossible to verify that without obtaining a copy of the UK IPO Office actions.

Accordingly, the petition is **DISMISSED**.

Application SN 12/445,107
Decision on Petition

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



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 12/445,107 | 04/14/2010 | Peter Unsworth | 50407-00002 | 5071 |

25231 7590 11/10/2010
MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver, CO 80237

| |
|----------|
| EXAMINER |
|----------|

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2173 | |

| MAIL DATE | DELIVERY MODE |
|------------|---------------|
| 11/10/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver CO 80237

In re Application of: UNSWORTH et al.
Application No. 12/445,107
Attorney Docket #: 50407-00002
Filed: April 10, 2009
For: **INTERACTIVE DISPLAY 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 November 4, 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 UK IPO, 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 UK IPO, 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 UK IPO, or
 - (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (iii) contains no priority claim.

- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the UK IPO application(s)
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s) and
 - b. Submit a claims correspondence table 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 ALL the office action(s) just prior to the "Decision to Grant a Patent" from each of the UK IPO application(s) containing the allowable/patentable claim(s)
- (6) Applicant must submit:
 - a. An IDS listing the documents cited by the UK IPO examiner in the UK IPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



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MARSH, FISCHMANN & BREYFOGLE LLP
8055 East Tufts Avenue
Suite 450
Denver CO 80237

MAILED
SEP 27 2011

PCT LEGAL ADMINISTRATION

In re Application of: :
PEARCE, et al. : DECISION
U.S. Application No.: 12/445,107 :
PCT No.: PCT/GB2007/003855 :
International Filing Date: 10 October 2007 :
Priority Date: 10 October 2006 :
Atty Docket No.: 50407-00002 :
For: INTERACTIVE DISPLAY SYSTEM :

This decision is issued in response to the "REQUEST FOR CORRECTION OF FILING RECEIPT" filed 06 September 2011, treated herein in part as a petition under 37 CFR 1.181 to correct the "FILING or 371(c) DATE" date on the official filing receipt to 10 April 2009. No petition fee is required.

BACKGROUND

On 10 October 2007, applicants filed international application PCT/GB2007/003855. The international application claimed a priority date of 10 October 2006 and it designated the United States. On 17 April 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was 10 April 2009, i.e., thirty months from the priority date.

On 10 April 2009, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 15 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 14 April 2010, applicants filed a response to the Form PCT/DO/EO/905 that included an executed declaration and payment of the required surcharge.

On 13 May 2010, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 14 April 2010. Also on 18 July 2007, a filing receipt was issued that identified the "Filing Date or 371(c) Date" as 14 April 2010.

On 06 September 2011, applicants filed the "REQUEST FOR CORRECTION OF FILING RECEIPT" considered herein. The submission requests correction of the "Filing Date or 371(c) Date" listed on the filing receipt from 14 April 2010 to 10 April 2009.

DISCUSSION

The present petition requests that the "Filing Date or 371(c) Date" listed on the filing receipt be corrected from 14 April 2010 to 10 April 2009. The "Filing Date or 371(c) Date" listed on the filing receipt for a national stage application filed under 35 U.S.C. 371 is the date of completion of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). See MPEP 1893.03(b). (The "Application Filing Date" field formerly displayed in PAIR was changed to "Filing or 371(c) Date" to clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong.)

In the present application, the final requirement of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), that is, the executed declaration required under 35 U.S.C. 371(c)(4), was not submitted until 14 April 2010. Accordingly, the listing of 14 April 2010 as the "Filing Date or 371(c)" on the filing receipt mailed herein was proper. Applicants' request that this date be corrected to 10 April 2009, a date prior to the completion of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is therefore appropriately dismissed.

CONCLUSION

The petition to correct the 35 U.S.C. 371(c) date from 14 April 2010 to 10 April 2009 is **DISMISSED** without prejudice.

The Notification Of Acceptance and filing receipt mailed 13 May 2010 both properly identify the 35 U.S.C. 371(c) date herein as 14 April 2010, the date on which applicant filed the executed declaration required by 35 U.S.C. 371(c)(4).

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3294

*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 05-26-11
TO SPE OF : ART UNIT 2912
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/445143 Patent No.: 7825272

CofC mailroom date: 12-20-10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580**

Note: _____



Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

SPE Randy Gulakowski Digitally signed by Randy Gulakowski
DN: cn=Randy Gulakowski, o=1766,
email=randy.gulakowski@uspto.gov, c=US
Date: 2012.02.23 09:55:20 -05'00' **Art Unit**



00466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

MAILED
29 DEC 2010
PCT LEGAL ADMINISTRATION

In re Application of
TRAN *et al*
U.S. Application No.: 12/445,245
PCT No.: PCT/JP03/07086
Int. Filing Date: 12 October 2007
Priority Date: 13 October 2006
Attorney Docket No.: 0508-1231
For: NOVEL COMPOSITION AND USES
THEREOF, IN PARTICULAR
COSMETIC USES, FOR TREATING
SKIN DEHYDRATION

**DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT**

This decision is in response to the "Petition Under 37 CFR §1.181 to Withdraw the Holding of Abandonment" filed 24 September 2010. No fee is required.

BACKGROUND

On 16 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/922) indicating that a computer readable form (CRF) sequence listing diskette in compliance with 37 CFR 1.821-1.825 was required. A two-month time limit in which to respond was set with extensions of time available under 37 CFR 1.136(a).

On 21 September 2010, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to respond to the Form PCT/DO/EO/922 mailed 16 October 2009 within the time period set therein.

On 24 September 2010, applicants filed the subject petition to withdraw the holding of abandonment.

DISCUSSION

In the subject petition, applicants request that the Notice to Comply mailed 16 October 2009 be vacated, and the holding of abandonment mailed 21 September 2010 be withdrawn.

Applicants state that the Form PCT/DO/EO/922 mailed 16 October 2009 was

"somehow received by another law firm as evidenced by a photocopy of the front page, which bears the receipt stamp of such other law firm." Applicants further assert that the Form PCT/DO/EO/922 "was issued in error" as a sequence listing is not required in the subject application.

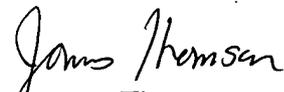
A review of the evidence shows that the Form PCT/DO/EO/922 was stamped as received by another law firm (PRICE, HENEVELD, COOPER, DEWITT & LITTON) despite having the proper address listed on its face. Regardless, a sequence listing is not required in the above-captioned application. Therefore, the mailing of the Form PCT/DO/EO/922 was improper.

CONCLUSION

Applicants' petition to withdraw the holding of abandonment is GRANTED.

The Form PCT/DO/EO/922 mailed 16 October 2009 and the Form PCT/DO/EO/909 mailed 21 September 2010 are hereby VACATED.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


James Thomson

Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



UNITED STATES PATENT AND TRADEMARK OFFICE

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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. 12/445,256 : **DECISION ON PETITION**
Filed: December 14, 2009 : **TO WITHDRAW**
Attorney Docket No. 381092002700 : **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

SEED IP LAW GROUP PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE, WA 98104

MAILED

APR 05 2011

OFFICE OF PETITIONS

Applicant: Mikhail Chafeev, et al.
Appl. No.: 12/445,264
International Filing Date: October 12, 2007
Title: USE OF SPIRO-OXINDOLE COMPOUNDS AS THERAPEUTIC AGENTS
Attorney Docket No.: 980057.442USPC
Pub. No.: US 2010/0173967 A1
Pub. Date: July 8, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 20, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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SEED IP LAW GROUP
701 FIFTH AVENUE
SUITE 5400
SEATTLE, WA 98104

MAILED

AUG 18 2011

OFFICE OF PETITIONS

Applicant: Cadieux, et al.

Appl. No.: 12/445,270

International Filing Date: October 12, 2007

Title: SPIRO (FURO [3,2-C] PYRIDINE-3' -INDOL) -2' (1'H)-ONE DERIVATIVES AND RELATED COMPOUNDS FOR THE TREATMENT OF SODIUM-CHANNEL MEDIATED DISEASES, SUCH AS PAIN

Attorney Docket No.: 980057.439USPC

Pub. No.: US 2010/0160362 A1

Pub. Date: June 24, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 5, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d).

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta

Senior Legal Advisor

Office of Patent Legal Administration

Office of the Deputy Commissioner

for Patent Examination Policy



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SEED IP LAW GROUP PLLC
701 FIRTH AVENUE
SUITE 5400
SEATTLE, WA 98104

MAILED
MAY 03 2011
OFFICE OF PETITIONS

Applicant: Chafeev, et al.
Appl. No.: 12/445,271
International Filing Date: October 12, 2007
Title: Tricyclic Spiro-Oxindole Derivatives and Their Uses as Therapeutic Agents
Attorney Docket: 980057.437USPC
Pub. No.: US 2010/0160291 A1
Pub. Date: June 24, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 6, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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**PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510**

**MAILED
SEP 27 2011
OFFICE OF PETITIONS**

In re Application of :
Willem Lubertus IJZERMAN et al. : ON PETITION
Application No. 12/445,320 :
Filed: April 13, 2009 :
Atty. Docket No.: 2006P01663WOUS :

This is a decision on the petition under 37 CFR 1.137(b), filed September 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 Notice of Allowance and Fee(s) Due mailed June 10, 2011, which set a statutory period for reply of three (3) months. The application became abandoned September 13, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed June 10, 2011, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.

Anthony Knight
Director
Office of Petitions



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**KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD.
SUITE 310
ALEXANDRIA VA 22314-2848**

**MAILED
OCT 28 2011**

OFFICE OF PETITIONS

In re Application of :
Tomohiro Numajiri et al :
Application No. 12/445,331 : DECISION GRANTING PETITION
Filed: April 13, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. OLI-045 :

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 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2829 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

- 8 SEP 2010



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FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

In re Application of
CANTEMIR et al.
Application No.: 12/445,333
PCT No.: PCT/US07/21776
Int. Filing Date: 12 October 2007
Priority Date: 13 October 2006
Attorney Docket No.: OSUZ. 200028US
For: POWERTRAIN, VEHICLE AND
METHODS

:
:
:
DECISION ON PETITION
:
under 37 CFR 1.497(d)
:
:
:

This is a decision on applicant's petition entitled "Renewed Request under 37 CFR 1.497(d)" filed on 04 August 2010 in the United States Patent and Trademark Office (USPTO). Applicant's request for a one month extension of time is granted.

BACKGROUND

On 12 October 2007, applicant filed international application PCT/US07/21776, having a priority date of 12 October 2006. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 April 2009.

On 13 April 2009, applicant filed a Transmittal Letter requesting National stage entry under 35 U.S.C. 371, including payment of the basic national fee.

On 12 January 2010, the U.S. Designated/Elected Office sent a Notification of Missing Requirements (Form PCT/ DO/EO/905) which indicated that an executed Oath or Declaration along with a surcharge for late filing of the Oath or Declaration was required.

On 04 March 2010, applicant filed a request to correct inventorship along with the surcharge for filing the Oath/Declaration later than 30 months from the earliest priority date. On 05 May 2010, a decision dismissing the request was mailed indicating that the declaration did not list the correct inventive entity.

On 04 August 2010, applicant filed a renewed petition under 37 CFR 1.497(d) for correction of inventorship to delete James Bechtel, Thomas Udvardy, and Michael D. Letherwood as inventors along with an executed declaration.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant previously satisfied Item (1) above with the submission of the statements from James Bechtel, Thomas Udvardy, and Michael D. Letherwood that any error in inventorship occurred without deceptive intention on their part. Item (2) was satisfied with the submission of the proper petition fee.

With respect to Item (3), since the PCT publication identifies a legal entity as an applicant, confirmation that the entity is not an assignee, which must provide consent to the deletion of the inventor, is required and has been provided. Counsel advises that there is no assignee; thus, Written Consent of the assignee consenting to the deletion of as inventors in this application to correct the inventorship under 37 CFR 1.497(d)(3) is inapplicable. Therefore, Item (3) is not applicable in the instant application.

Accordingly, applicant has met all of the requirements to delete James Bechtel, Thomas Udvardy, and Michael D. Letherwood as co-inventors in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

The declaration executed by the inventors of the above referenced application was submitted and meets the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.497(d) to delete James Bechtel, Thomas Udvardy, and Michael D. Letherwood in the above-captioned application is **GRANTED**. The declaration, executed by the inventors Cantemir, Ursescu and Rizzoni, is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 04 August 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571)272-3286
Facsimile: (571)273-0459



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United States Patent and Trademark Office
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MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

Intellectual Property Dept.
Dewitt Ross & Stevens SC
2 East Mifflin Street
Suite 600
Madison WI 53703-2865

In re Application of: :
GODDARD, Robert, William, et al. :
U.S. Application No.: 12/445,344 :
PCT No.: PCT/GB2007/003922 :
International Filing Date: 15 October 2007 :
Priority Date: 16 October 2006 :
Attorney Docket No.: 78104145-N24168 :
For: SYSTEM AND METHOD FOR :
REPOSITIONING A STENT GRAFT :

DECISION
(37 CFR 1.182)

This decision is issued in response to the "Petition In Response To November 30, 2010 Communication (37 U.S.C. § 1.182)" filed 06 December 2010. Applicants have paid the required petition fee.

BACKGROUND

On 30 November 2010, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original application submission on 13 April 2009 referenced two different international applications. Specifically, while the first page of the Form PTO-1390 Transmittal Letter and the information provided during the electronic filing process identified the international application number as PCT/GB2007/039222, the second page of the Form PTO-1390 Transmittal Letter, the preliminary amendment, and the unexecuted declaration filed on 13 April 2009 all identified the international application number as PCT/GB2007/003922.

On 06 December 2010, applicant filed the "Petition In Response To November 30, 2010 Communication (37 U.S.C. § 1.182)" considered herein.

DISCUSSION

The petition confirms that the correct international application number for the present national stage application is PCT/GB2007/003922. The petition also notes that the correct international application number was listed in several places within the materials filed 13 April 2009, including the second page of the Form PTO-1390 Transmittal Letter, the preliminary

amendment, and the unexecuted declaration. The petition also includes payment of the required petition fee.

The present submission satisfies the requirements for a grantable petition to correct the errors in the international application number listed on the materials filed herein on 13 April 2009. Accordingly, the present national stage application, including the payment of the basic national fee, will be treated as the U.S national stage of PCT/GB2007/003922. It is noted that such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of PCT/GB2007/003922, thereby avoiding abandonment of the international application with respect to the United States.

CONCLUSION

The "Petition In Response To November 30, 2010 Communication (37 U.S.C. § 1.182)" is **GRANTED**.

The present application will be treated as the U.S. national stage under 35 U.S.C. 371 of PCT/GB2007/003922.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 August 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 12/445,409 | 04/13/2009 | Kunihiko Jinno | Q112954 | 7097 |
| 23373 | 7590 | 09/14/2011 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | EL CHANTI, HUSSEIN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3663 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 09/14/2011 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM



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SEP 13 2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re application of
Kunihiko Jinno
Application No. 12/445409
Filed: April 13, 2009
For: INDICATION APPARATUS FOR
HYBRID VEHICLE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 04, 2011, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO, application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Non Final Office action was mailed on August 25, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 09/12/11



20 SEP 2010

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Husch Blackwell Sanders, LLP
Husch Blackwell Sanders LLP Welsh & Katz
120 S. Riverside Plaza
22nd Floor
Chicago, IL 60606

In re Application of :
TURAKHIA, Divyank :
Application No.: 12/445,412 :
PCT No.: PCT/IN2007/000325 :
Int. Filing Date: 31 July 2007 ::
Priority Date: 01 August 2006 :
Attorney Docket No.: 1065-108253 :
For: A SYSTEM AND METHOD FOR
GENERATING RELATED WORDS AND
WORD CONCEPTS

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 13 April 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298



20 SEP 2010

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Alexandria, VA 22313-1450
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75074
NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 Massachusetts Avenue
Cambridge, MA 02139

In re Application of :
CHAREST *et al* :
U.S. Application No.: 12/445,435 :
PCT No.: PCT/US2007/080875 :
Int. Filing Date: 10 October 2007 :
Priority Date: 12 October 2006 :
Attorney Docket No.: 50447-US-PCT :
For: PYRROLYDINE DERIVATIVES AS IAP :
INHIBITORS :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 12 July 2010.

BACKGROUND

On 11 January 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 12 July 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by nine inventors on behalf of the nonsigning inventor; a \$200.00 petition fee; a \$130.00 surcharge fee; a four-month extension and fee; a declaration by Jessica Yao; and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Mark G. CHAREST cannot be reached after diligent effort and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Applicant submitted a \$200.00 petition fee. The last known address of the nonsigning inventor was provided as 58 Regent Street, Cambridge, MA 02140-2112. A

declaration signed by nine of the ten named inventors was provided. This declaration meets the requirements of MPEP § 409.03(a)(A) and complies with 37 CFR 1.497(a) and (b).

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2), MPEP § 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and states, in part:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, petitioners provided a declaration of Jessica Yao detailing all of the efforts made to contact Mark G. CHAREST. These efforts included contacting former employers, conducting internet searches, and contacting new employers. Copies of the subject application were sent via Federal Express to Mr. CHAREST at his last known address and to Great Point Partners and to ZS Associates. In addition, an email was sent to an email address obtained by contacting one of the nonsigning inventor's employer. Documentary evidence of these attempts were provided in the petition (Exhibits A - D).

A review of the evidence shows that a diligent effort was made by petitioners to contact the nonsigning inventor. This is sufficient to satisfy item (2) of 37 CFR 1.47(a).

All items of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C.

371(c). The application has an international filing date of 10 October 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 12 July 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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20 SEP 2010

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Mark G. Charest
58 Regent Street
Cambridge, MA 02140-2112

In re Application of
CHAREST *et al*
U.S. Application No.: 12/445,435
PCT No.: PCT/US2007/080875
Int. Filing Date: 10 October 2007
Priority Date: 12 October 2006
Attorney Docket No.: 50447-US-PCT
For: PYRROLYDINE DERIVATIVES AS IAP
INHIBITORS

Dear Mr Charest:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

NOVARTIS INSTITUTES FOR BIOMEDICAL RESEARCH, INC.
220 Massachusetts Avenue
Cambridge, MA 02139

| | |
|-----------------------------|--|
| Electronic Petition Request | PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c) |
| Application Number | 12445574 |
| Filing Date | 14-Apr-2009 |
| First Named Inventor | Jingjun Ye |
| Art Unit | 2163 |
| Examiner Name | MONGBAO NGUYEN |
| Attorney Docket Number | AB1-0042US |
| Title | METHOD AND SYSTEM FOR DETERMINING JUNK INFORMATION |

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 | /Eric M. Ringer, Ph.D./ |
| Name | Eric M. Ringer, Ph.D. |
| Registration Number | 47028 |



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 10, 2012

In re Application of :

Jingjun Ye

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12445574

Filed : 14-Apr-2009

Attorney Docket No : AB1-0042US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 10, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 2163 for processing of the request for continuing examination under 37 CFR 1.114 .

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. |
|--|-------------|----------------------|---------------------|------------------|
| 12/445,625 | 09/08/2010 | Bac-kun Shin | LGCHEM 3.3-094 | 9624 |
| 86765 | 7590 | 07/19/2011 | EXAMINER | |
| LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090 | | | ART UNIT | PAPER NUMBER |
| | | | 1782 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 07/19/2011 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eOfficeAction@ldlkm.com



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JUL 19 2011

CST

In re application of : DECISION ON REQUEST TO
Bae-Kun Shin et al : PARTICIPATE IN PATENT
Serial No. 12/445,625 : PROSECUTION HIGHWAY
Filed: September 8, 2010 : PROGRAM AND
For: OXYGEN BARRIER FILM AND : PETITION TO MAKE SPECIAL
CONTAINER COMPRISING : UNDER 37 CFR 1.102(a)
ETHYLENE-ACRYLATE COPOLYMER :

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed June 14, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
- b. Submit a claims correspondence table in English;

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPTO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
 - b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
 - c. A statement that the English translation is accurate; and
- (6) Applicant must submit:
- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
 - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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P.O. Box 1450
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**ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000**

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of :
Damude et al. :
Application No. 12/445,633 : **DECISION ON PETITION**
Filed: October 5, 2010 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. BB1574 USPCT :
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 25, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on May 25, 2011 the power of attorney to Alston & Bird, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: **POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON DE 19899-0951**

| | | |
|---|---|--|
| Doc Code: PET.AUTO | | PTO/SB/83 |
| Document Description: Petition automatically granted by EFS-Web | | U.S. Patent and Trademark Office Department of Commerce |
| Electronic Petition Request | REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS | |
| Application Number | 12445672 | |
| Filing Date | 22-May-2009 | |
| First Named Inventor | Elias Hajjar | |
| Art Unit | 3753 | |
| Examiner Name | CRAIG PRICE | |
| Attorney Docket Number | 687379-0001 | |
| Title | FLUID LEVEL CONTROL VALVE | |
| <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: | | 20594 |
| 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 | Elias Hajjar Microflow International Pty Limited | |
| Address | 43-51 Brisbane Street MTA House, Level 1 | |
| City | Darlinghurst, New South Wales | |
| State | | |
| Postal Code | 2010 | |
| Country | AU | |

| | |
|--|-----------------|
| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
| Signature | /David L. Odom/ |
| Name | David L. Odom |
| Registration Number | 67999 |



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : January 18, 2012

In re Application of :

Elias Hajjar

Application No : 12445672

Filed : 22-May-2009

Attorney Docket No : 687379-0001

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 18, 2012

The request is **APPROVED**.

The request was signed by David L. Odom (registration no. 67999) on behalf of all attorneys/agents associated with Customer Number 20594 . All attorneys/agents associated with Customer Number 20594 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 Elias Hajjar
Name2 Microflow International Pty Limited
Address 1 43-51 Brisbane Street
Address 2 MTA House, Level 1
City Darlinghurst, New South Wales
State
Postal Code 2010
Country AU

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

(19) 日本国特許庁 (J P)

(12) 公開特許公報 (A)

(11) 特許出願公開番号

特開平7-171189

(43) 公開日 平成7年(1995)7月11日

| (51) Int.Cl. ⁶ | 識別記号 | 庁内整理番号 | F I | 技術表示箇所 |
|---------------------------|------|-----------|-----|--------|
| A 6 1 H 33/14 | | Z 7507-4C | | |
| 35/00 | | K 7507-4C | | |

審査請求 未請求 請求項の数 4 O L (全 5 頁)

(21) 出願番号 特願平5-318099

(22) 出願日 平成5年(1993)12月17日

(71) 出願人 000005832

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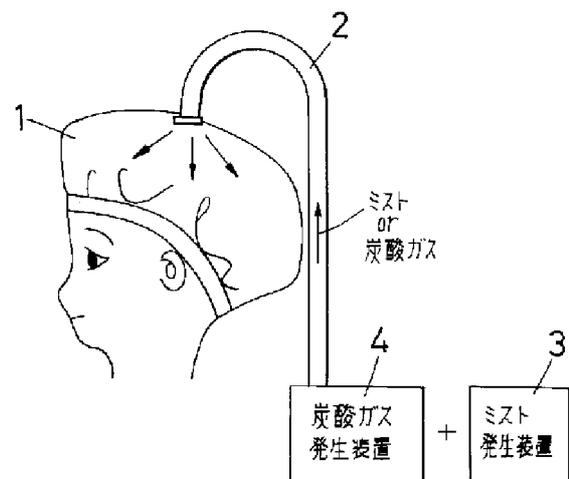
(74) 代理人 弁理士 佐藤 成示 (外1名)

(54) 【発明の名称】 血行促進装置

(57) 【要約】

【目的】 人体の局部に効率良くかつ十分な血行促進効果を与えることができる血行促進装置の提供を目的とする。

【構成】 人体表面の一部に装着し人体表面とともに密閉空間Aを形成する簡易カバー1と、流通路2を介して密閉空間Aに炭酸ガスを供給する炭酸ガス発生装置4と、炭酸ガス発生装置4に組み込まれ流通路2を介して密閉空間Aにミストを供給するミスト発生装置3とから構成される。



【特許請求の範囲】

【請求項1】 人体表面の局部に装着し人体表面とともに密閉空間部を形成するカバー体と、密閉空間部に炭酸ガスを供給する炭酸ガス供給手段とを有してなる血行促進装置。

【請求項2】 前記密閉空間部に湿り気を供給する湿気供給手段を設けてなる請求項1記載の血行促進装置。

【請求項3】 前記湿気供給手段に、密閉空間部にスチームを供給するスチーム供給手段を設けてなる請求項2記載の血行促進装置。

【請求項4】 前記密閉空間部に温風を供給する温風供給手段を設けてなる請求項1記載の血行促進装置。

【発明の詳細な説明】

【0001】

【産業上の利用分野】本発明は、炭酸ガスによる血管拡張作用及び血液粘度低下作用等の作用を利用して、皮膚に炭酸ガスを浴びせることにより、人体に血行促進効果を与える血行促進装置に関するものである。

【0002】

【従来の技術】従来より、炭酸泉に入浴すれば、人体に血行促進効果や保温効果等の効果が表れるということが知られている。すなわち、炭酸ガスが皮膚呼吸系や脂肪腺等によって体内に入り込み（これを経皮吸収として以下説明する）、組織を活性化したり、血液を拡張したり、血液の粘度を低下したりなどして、血行を促進したり、血圧を下げたり、酸素の供給を増大させたりするためである。

【0003】また、炭酸泉に入浴する以外にも、炭酸ガスによる効果を得る方法がある。例えば、人体に炭酸ガスを与える装置として、高濃度の炭酸ガスを皮膚に直接噴射するものや、特開平4-343849号公報にあるように、首だけを外部にだして密閉容器に入り密閉容器に炭酸ガスを充填させるものが提供されている。

【0004】

【発明が解決しようとする課題】ところが、炭酸泉に入浴する場合、全身入浴となるため、炭酸ガスの濃度はせいぜい500ppm程度であり、一般の湯に比べればある程度の効果はあるが、それ以上の効果は得にくいものであった。また、頭皮等の直接効果を得にくい部位もあった。すなわち、炭酸泉に入浴する場合は、炭酸ガスの濃度が比較的低く、炭酸ガスを局部的に与えることができなかつた。

【0005】また、高濃度の炭酸ガスを皮膚に直接噴射する装置を使用しても、皮膚の周囲が開放状態となっているので、炭酸ガスの効率的な経皮吸収が困難であり、特に、皮膚が乾燥した状態にあっては、炭酸ガスの効率的な経皮吸収がさらに困難であった。

【0006】また、特開平4-343849号公報にあるものは、高濃度の炭酸ガスを局部的に与えることができなかつた。

【0007】本発明は、このような点に鑑みなされたものであり、その目的とするところは、人体の局部に効率良くかつ十分な血行促進効果を与えることができる血行促進装置を提供することにある。

【0008】

【課題を解決するための手段】前記目的を達成するために、請求項1記載の血行促進装置は、人体表面の局部に装着し人体表面とともに密閉空間部を形成するカバー体と、密閉空間部に炭酸ガスを供給する炭酸ガス供給手段とを有してなる構成としている。

【0009】また、請求項2記載の血行促進装置は、請求項1記載のものの密閉空間部に湿り気を供給する湿気供給手段を設けてなる構成としている。

【0010】また、請求項3記載の血行促進装置は、請求項2記載のものの湿気供給手段に、密閉空間部にスチームを供給するスチーム供給手段を設けてなる構成としている。

【0011】また、請求項4記載の血行促進装置は、請求項1記載のものの密閉空間部に温風を供給する温風供給手段を設けてなる構成としている。

【0012】

【作用】請求項1記載の構成によれば、密閉空間部に炭酸ガスが供給されてそれが充填するので、炭酸ガスが速やかに経皮吸収されやすくなる。

【0013】請求項2記載の構成によれば、密閉空間部に湿り気が供給されるので、炭酸ガスがさらに速やかに経皮吸収されやすくなる。

【0014】請求項3記載の構成によれば、密閉空間部にスチームが供給されるので、皮膚にスチームによる湿り気と温熱刺激とが与えられる。

【0015】請求項4記載の構成によれば、密閉空間部に温風が供給されるので、皮膚に温風による温熱刺激が与えられる。

【0016】

【実施例】本発明の第1実施例を図1乃至図4に基づいて説明する。

【0017】1はシャワーキャップ型に形成された簡易カバーであり、その所定部位に流通路2の一端が連結されている。流通路2の他端には、内部にミスト発生装置3が組み込まれた炭酸ガス発生装置4が連結されている。炭酸ガス発生装置4は、炭酸ガス(CO₂ガス)を発生してこれを流通路2を介して簡易カバー1に供給するものであり、ミスト発生装置3は、水をミスト化(霧化)してこれを流通路2を介して簡易カバー1に供給するものである。

【0018】次に、本実施例の動作について説明する。まず、簡易カバー1を頭部に装着することにより、頭部と簡易カバー1との間に密閉空間Aを形成する。次に、ミスト発生装置3の駆動により、密閉空間Aにミストが噴射され、頭皮に湿り気を与えられる。そして、ミスト

発生装置3が停止した後に、炭酸ガス発生装置4が駆動すると、密閉空間Aに炭酸ガスが噴射され充填される。そして、この状態を一定時間保つことにより、炭酸ガスが速やかに経皮吸収されるので、頭部は、効率良くかつ十分に血行促進される。

【0019】また、本実施例は、簡易カバー1がシャワーキャップ型に形成されているので、密閉空間Aに充填された炭酸ガスが外部へ流出しにくくなっており、その結果、炭酸ガスを有効に利用することができる。

【0020】次に、炭酸ガスによる血行促進効果について、図3及び図4に基づいて説明する。図3は、簡易カバー1をポリビンとし、これと人体表面の局部（計測部位を前腕内側とする）とで形成した密閉空間Aに炭酸ガスを噴射して略100%充填することによる、皮膚の毛細血管のヘモグロビン量の変化を表したグラフである。このグラフにおいて、縦軸は、ヘモグロビン量を、炭酸ガスの噴射前の安静時を1としたときの相対比で表し、横軸は、炭酸ガスの噴射前、噴射開始後、及び噴射終了後の経過時間を表している。また、皮膚の状態は、①乾燥状態、②初期湿潤状態（超音波ミストにより炭酸ガスの噴射前に湿潤）、③湿潤状態（脱脂綿に水を含んだものを皮膚に付着）の3種類が設定されている。

【0021】このグラフにおいて、ヘモグロビン量は、皮膚の状態が①乃至③のどの種類であっても、炭酸ガスによって増加することがわかるが、特に、皮膚が乾燥状態（①）にあるよりも、湿った状態（②及び③）にある方が増加の割合は大きくなっている。つまり、炭酸ガスは、皮膚が乾燥状態（①）にあるよりも、湿った状態（②及び③）にある方が、速やかに経皮吸収されるということである。

【0022】一方、図4は、簡易カバー1をポリビンとし、これと人体表面の局部（計測部位を前腕内側とする）とで形成した密閉空間Aに炭酸ガスを噴射して略100%充填することによる、組織内の酸素飽和度の変化を表したグラフである。このグラフにおいて、縦軸は、組織内の酸素飽和度を、炭酸ガスの噴射前の安静時を1としたときの相対比で表し、横軸は、炭酸ガスの噴射前、噴射開始後、及び噴射終了後の経過時間を表している。また、皮膚の状態は、①乾燥状態、②初期湿潤状態（超音波ミストにより炭酸ガスの噴射前に湿潤）、③湿潤状態（脱脂綿に水を含んだものを皮膚に付着）の3種類が設定されている。

【0023】このグラフにおいて、組織内の酸素飽和度は、皮膚の状態が①乃至③のどの種類であっても、炭酸ガスによって増加することがわかる。

【0024】以上の図3及び図4により、皮膚に湿り気を与えて、密閉空間Aに炭酸ガスを噴射して充填した場合、炭酸ガスによって血行促進が速やかに行われることがわかる。

【0025】なお、本実施例では、簡易カバー1を頭部

に装着するものとしたが、本発明では、これに限られることはなく、例えば、図5に示すように、ブーツ型に形成された簡易カバー11を足に装着するようにしてもよい。この場合、足部の血行が促進される。

【0026】また、本実施例では、ミスト発生装置3を停止した後に、炭酸ガス発生装置4を駆動したが、本発明では、これに限られることはなく、例えば、ミスト発生装置3及び炭酸ガス発生装置4を同時に駆動するようにしてもよい。

【0027】さらに、本実施例では、ミスト発生装置3を炭酸ガス発生装置4に組み込んだが、本発明では、これに限られることはなく、例えば、ミスト発生装置3を簡易カバー1に設けてもよい。

【0028】次に、本発明の第2実施例を図6に基づいて説明する。なお、先の第1実施例と実質的に同様な機能を有する部材については、同一の符号を付して説明を省略する。

【0029】本実施例の炭酸ガス発生装置4は、内部に温風発生装置5が組み込まれている。温風発生装置5は、温風を流通路2を介して簡易カバー1に供給するものであり、炭酸ガス発生装置4の駆動と略同時に駆動するものである。

【0030】次に、本実施例の動作について説明する。まず、簡易カバー1を人体表面の局部に装着することにより、人体表面の局部と簡易カバー1との間に密閉空間Aを形成する。炭酸ガス発生装置4及び温風発生装置5が略同時に駆動すると、密閉空間Aに炭酸ガスが温風とともに噴射され、密閉空間Aに温かい炭酸ガスが充填される。そして、この状態を一定時間保つことにより、炭酸ガスが速やかに経皮吸収されるとともに、温熱効果も加わり、人体の局部は、第1実施例に比べてさらに効率良くかつ十分に血行促進される。

【0031】なお、本実施例では、炭酸ガス発生装置4及び温風発生装置5を略同時に駆動したが、本発明では、これに限られることはなく、例えば、温風発生装置5を駆動した後に炭酸ガス発生装置4を駆動するようにしてもよい。

【0032】また、本実施例では、温風発生装置5を炭酸ガス発生装置4に組み込んだが、本発明では、これに限られることはなく、例えば、温風発生装置5を簡易カバー1に設けてもよい。

【0033】次に、本発明の第3実施例を図7に基づいて説明する。なお、先の第1及び第2実施例と実質的に同様な機能を有する部材については、同一の符号を付して説明を省略する。

【0034】本実施例の炭酸ガス発生装置4は、内部にスチーム発生装置6が組み込まれている。スチーム発生装置6は、スチームを流通路2を介して簡易カバー1に供給するものであり、炭酸ガス発生装置4の駆動前から駆動するものである。

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【0035】次に、本実施例の動作について説明する。まず、簡易カバー1を人体表面の局部に装着することにより、人体表面の局部と簡易カバー1との間に密閉空間Aを形成する。スチーム発生装置6の駆動により、密閉空間Aにスチームを噴射し、人体表面の局部に湿り気を与える。しばらくすると、スチーム発生装置6が駆動状態を維持しながら炭酸ガス発生装置4が駆動して、密閉空間Aに炭酸ガスが噴射される。これにより、密閉空間にスチームと炭酸ガスとが充填される。そして、この状態を一定時間保つことにより、炭酸ガスが速やかに経皮吸収されるとともに、スチームによる温熱効果も加わり、人体の局部は、第1及び第2実施例に比べてさらに効率良くかつ十分に血行促進される。

【0036】なお、本実施例では、スチーム発生装置6を駆動した後に炭酸ガス発生装置4を駆動したが、本発明では、これに限られることはなく、例えば、スチーム発生装置6及び炭酸ガス発生装置4を略同時に駆動するようにしてもよい。

【0037】また、本実施例では、スチーム発生装置6を炭酸ガス発生装置4に組み込んだが、本発明では、これに限られることはなく、例えば、スチーム発生装置6を簡易カバー1に設けてもよい。

【0038】さらに、第1乃至第3実施例において、第1実施例ではミスト発生装置3を、第2実施例では温風発生装置5を、第3実施例ではスチーム発生装置6を、各々炭酸ガス発生装置4の内部に組み込んだが、本発明では、これに限られることはなく、炭酸ガス発生装置4の内部に複数の装置、例えば、ミスト発生装置3と温風発生装置5とスチーム発生装置6とを組み込んで、スイッチ操作等によりそれぞれの駆動の切り換えを行えるようにしてもよい。

【0039】
【発明の効果】請求項1記載の血行促進装置は、密閉空間部に炭酸ガスが供給されてそれが充填するので、炭酸ガスが速やかに経皮吸収されやすくなり、その結果、血

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行を効率良くかつ十分に促進することができる。また、カバー体により炭酸ガスの外部への流出を少なく又は無くするので、炭酸ガスを有効に利用することができる。

【0040】請求項2記載の血行促進装置は、請求項1記載の効果に加え、密閉空間部に湿り気が供給されるので、炭酸ガスがさらに速やかに経皮吸収されやすくなり、その結果、さらに血行を効率良くかつ十分に促進することができる。

【0041】請求項3記載の血行促進装置は、請求項2記載の効果に加え、密閉空間部にスチームが供給されるので、皮膚にスチームによる湿り気と温熱刺激とが与えられ、その結果、さらに血行を効率良くかつ十分に促進することができる。

【0042】請求項4記載の血行促進装置は、請求項1記載の効果に加え、密閉空間部に温風が供給されるので、皮膚に温風による温熱刺激が与えられ、その結果、さらに血行を効率良くかつ十分に促進することができる。

【図面の簡単な説明】

20 【図1】本発明の第1実施例の頭部に簡易カバーを装着した状態を示すブロック図である。

【図2】そのブロック図である。

【図3】そのヘモグロビン量の変化を示すグラフである。

【図4】その組織内の酸素飽和度の変化を示すグラフである。

【図5】その一変形例である。

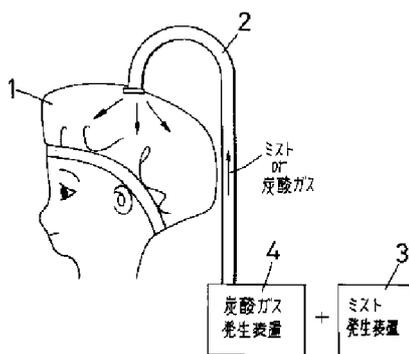
【図6】本発明の第2実施例のブロック図である。

【図7】本発明の第3実施例のブロック図である。

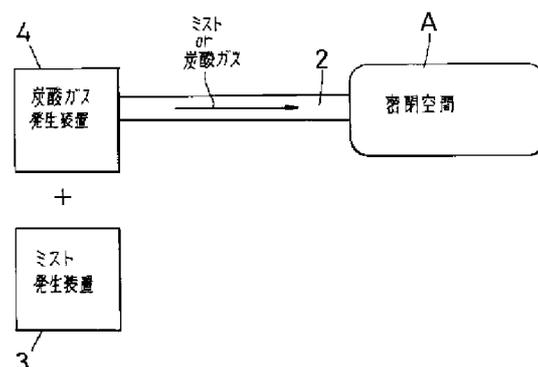
30 【符号の説明】

- 1 簡易カバー
- 3 ミスト発生装置
- 4 炭酸ガス発生装置
- 5 温風発生装置
- 6 スチーム発生装置

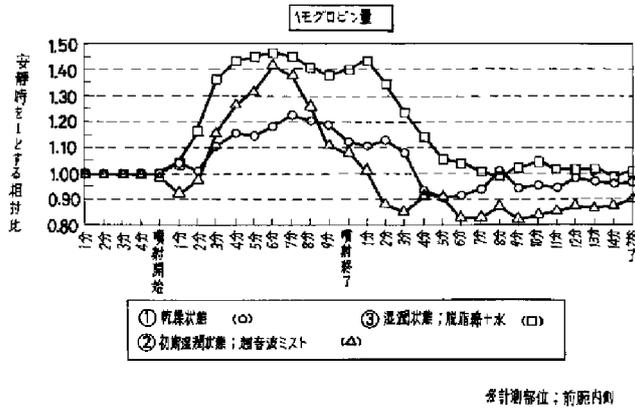
【図1】



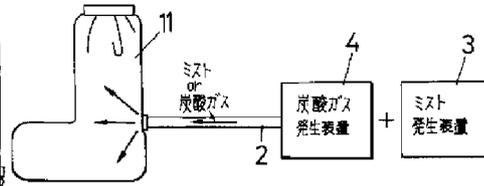
【図2】



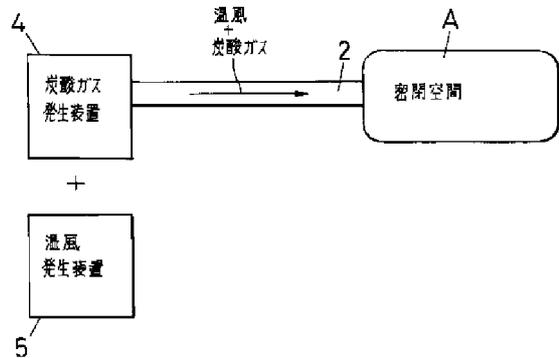
【図3】



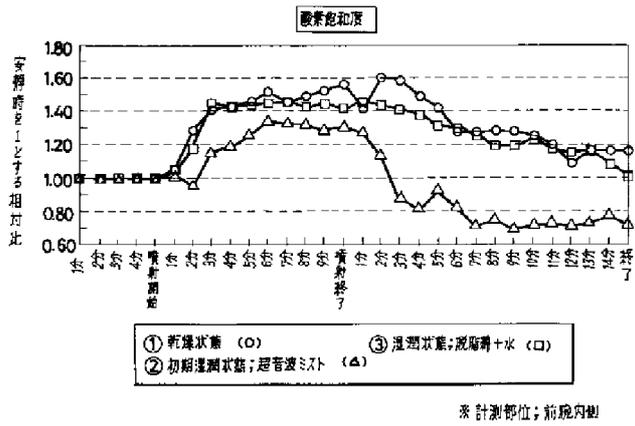
【図5】



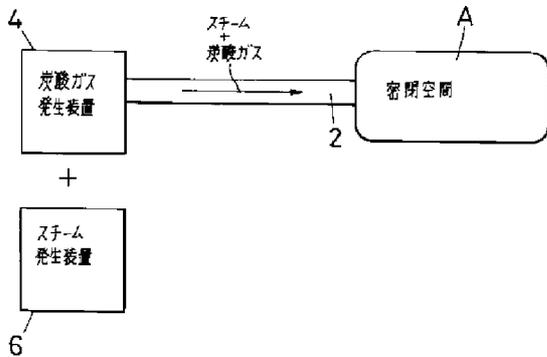
【図6】



【図4】



【図7】





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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 12/445,680 | 11/24/2009 | Panagiotis Saltsidis | P26110-US2 | 1040 |
| 27045 | 7590 | 02/14/2011 | EXAMINER | |
| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024 | | | ANWAR, MOHAMMAD S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2463 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 02/14/2011 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kara.coffman@ericsson.com
jennifer.hardin@ericsson.com
melissa.rhea@ericsson.com



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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of: SALTSIDIS et al.
Application No. 12445680
Filed: November 24, 2009
For: CONNECTIVITY FAULT
MANAGEMENT TRAFFIC INDICATION
EXTENSION

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 25, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the EPO, 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 EPO, 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 EPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the EPO 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 EPO application that contains the allowable/patentable claims and the EPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s)
- (3) All the claims in the U.S. application must sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s)
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s);
- (6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

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 Chau Nguyen at 571-272-3126.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Chau Nguyen/

Chau Nguyen
Quality Assurance Specialist
Technology Center 2400



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MAILED
JAN 27 2012
OFFICE OF PETITIONS

Applicant(s): Palme, et al.
Appl. No.: 12/445,798
International Filing Date: October 16, 2007
Title: DEVICE AND METHOD FOR THE CONTACTLESS DETECTION OF A THREE-DIMENSIONAL CONTOUR
Attorney Docket No.: SPM-404-A
Pub. No.: US 20100046005 A1
Pub. Date: February 25, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on December 15, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material and non-material mistakes since all the inventors are incorrectly named and the title of the invention is incorrect.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request is untimely, as it is not filed within two months of February 25, 2010, the date of the patent application publication.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Application No. 12/445,798

the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions



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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

MAILED
MAY 10 2011

PCT LEGAL ADMINISTRATION

In re Application of :
RATH et al : DECISION ON PETITION
Application No.: 12/445,848 : UNDER 37 CFR 1.78(a)(3)
Filing Date: April 23, 2008 : AND 1.78(a)(6)
Attorney Docket No.: KIN-018337USPCT :

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed March 17, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date

of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

The amendment is further improper because it states that the present application "claims priority to International Application Serial Number PCT/US2008/05195". Because the present application is the national stage of PCT/US2008/005195 (i.e. it is a different stage of the same application), it cannot claim priority to itself.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 or 37 CFR 1.76(b)(5)) to correct the above matters are required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303



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CLEVELAND, OH 44114

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|--------------------------------------|---|-------------------------|
| In re Application of | : | |
| RATH et al | : | DECISION ON PETITION |
| Application No.: 12/445,848 | : | UNDER 37 CFR 1.78(a)(3) |
| Filing Date: April 23, 2008 | : | AND 1.78(a)(6) |
| Attorney Docket No.: KIN-018337USPCT | : | |

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed June 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a late claim for 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 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title as provided by 37 CFR 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains an acceptable statement of unintentional delay. It is noted that the statement of unintentional delay contained in the petition differs slightly from the language contained in 37 CFR 1.78(a)(3)(iii) and is hereby construed as a statement that the entire delay between the date the claim was due under 37 CFR 1.78 (a)(2)(ii) and the date the claim was filed was unintentional. If this interpretation is incorrect, applicant is required to immediately notify the Office.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

This matter is being referred to Technology Center Art Unit 1724 for appropriate action on the amendment submitted June 10, 2011, including consideration by the examiner of the claim for benefit of the prior-filed applications.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303

ATTACHMENT: corrected Filing Receipt

**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): 12/445,870 | Patent Number (if applicable): |
| First Named Inventor: Hirokazu Tomimatsu | Title of Invention: MOUNTING STRUCTURE OF FRONT PANEL |

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- 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 /Richard Turner/ | Date 04/06/2011 |
| Name (Print/Typed) Richard C. Turner | Practitioner Registration Number 29,710 |
| <p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p> | |
| <input type="checkbox"/> *Total of <u>1</u> forms are submitted. | |

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

APR 12 2011

OFFICE OF PETITIONS

In re Application of :
Hirokazu Tominatsu :
Application No. 12/445,870 : **DECISION ON PETITION**
Filed: April 16, 2009 :
Attorney Docket No. Q112900 :

This is a decision on the request filed April 6, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 7, 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 3612 for re-mailing the Office action of January 7, 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

Decision Date : April 12,2011

In re Application of :

Cynthia Clague

Application No : 12445918

Filed : 28-Feb-2011

Attorney Docket No : 11637.038

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 12,2011

The request is **APPROVED**.

The request was signed by Rodney J. Fuller (registration no. 46714) on behalf of all attorneys/agents associated with Customer Number 27887 . All attorneys/agents associated with Customer Number 27887 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 Phil Mitchell
Name2 Scottsdale Medical Devices
Address 1 7300 E. Acoma Drive
Address 2
City Scottsdale
State AZ
Postal Code 85260
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

| | | |
|---|---|--|
| Doc Code: PET.AUTO | | PTO/SB/83 |
| Document Description: Petition automatically granted by EFS-Web | | U.S. Patent and Trademark Office Department of Commerce |
| Electronic Petition Request | REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS | |
| Application Number | 12445918 | |
| Filing Date | 28-Feb-2011 | |
| First Named Inventor | Cynthia Clague | |
| Art Unit | 3731 | |
| Examiner Name | | |
| Attorney Docket Number | 11637.038 | |
| Title | CUTTING DEVICE AND METHOD OF VESSEL HARVESTING | |
| <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: | | <u>27887</u> |
| The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(v) 10.40(b)(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 | Phil Mitchell Scottsdale Medical Devices | |
| Address | 7300 E. Acoma Drive | |
| City | Scottsdale | |
| State | AZ | |

| | |
|--|--------------------|
| Postal Code | 85260 |
| Country | US |
| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
| Signature | /Rodney J. Fuller/ |
| Name | Rodney J. Fuller |
| Registration Number | 46714 |



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**SYNTHETIC GENOMICS C/O MOFO
12531 HIGH BLUFF DRIVE, SUITE 100
SAN DIEGO CA 92130**

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of :
Qing XU, et al :
Application No. 12/445,929 : **DECISION ON PETITION**
Filed: August 3, 2010 : **TO WITHDRAW**
Attorney Docket No. 616872002900 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 3, 2010.

The request is **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Kate H. Murashige and all the attorneys of record associated with Customer No. 84470, has been revoked by the applicant of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at (571) 272-6735.

/d cg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Cc: **SYNTHETIC GENOMICS, INC.
11149 NORTH TORREY PINES ROAD,
SUITE 100
LA JOLLA, CA 92037**



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 |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/445,929 | 08/03/2010 | Qing Xu | 616872002900 |

CONFIRMATION NO. 2323

POWER OF ATTORNEY NOTICE



Date Mailed: 10/01/2010

84470
Synthetic Genomics c/o MoFo
12531 High Bluff Drive, Suite 100
San Diego, CA 92130

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/30/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervned as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/445,929 | 08/03/2010 | Qing Xu | 616872002900 |

CONFIRMATION NO. 2323

POA ACCEPTANCE LETTER



OC000000043804371

95432
Synthetic Genomics, Inc.
c/o DLA Piper LLP (US)
4365 Executive Drive
Suite 1100
San Diego, CA 92121-2133

Date Mailed: 10/01/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/30/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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BARNES & THORNBURG LLP
P.O. Box 2786
CHICAGO IL 60690-2786

MAILED
APR 27 2011
OFFICE OF PETITIONS

In re Application of
DAHLQUIST, John et al.
Application No. 12/445,962
Filed: May 11, 2009
Attorney Docket No. 40729-109417

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 20, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Alice O. Martin on behalf of all attorneys of record who are associated with customer No. 23644. All attorneys/agents associated with the Customer Number 23644 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: **KERACURE, INC.**
125 WEST OAK STREET, SUITE D
CHICAGO IL 60610



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United States Patent and Trademark Office
P.O. Box 1450
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PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
PLAZA VII-SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1630

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of :
Quinn et al. :
Application No. 12/445,975 : **DECISION ON PETITION**
Filed: August 16, 2010 :
Attorney Docket No. 14369.0011USWO :

This is a decision on the petition under 37 CFR 1.182, filed December 20, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries regarding this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 3761 for further examination on the merits.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY.DOCKET.NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/445,975, 08/16/2010, 3761, 6466, 14369.0011USWO, 123, 3

CONFIRMATION NO. 2679

CORRECTED FILING RECEIPT



57557
PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS, MN 55402-1630

Date Mailed: 03/02/2011

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)

Thomas H. Quinn, St. Paul, MN;
William L. Bunnelle, St. Paul, MN;

Assignment For Published Patent Application

Adherent Laboratories, Inc., St. Paul, MN

Power of Attorney: The patent practitioners associated with Customer Number 57557

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US07/84111 11/08/2007
which claims benefit of 60/858,565 11/13/2006

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: 08/19/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/445,975

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

DISPOSABLE ARTICLE HOT MELT ADHESIVE

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).


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BIB DATA SHEET
CONFIRMATION NO. 2733

| SERIAL NUMBER | FILING or 371(c) DATE | CLASS | GROUP ART UNIT | ATTORNEY DOCKET NO. | |
|---|---|---------------------------------------|---|---|---|
| 12/445,984 | 04/17/2009 | 403 | 3679 | 141262 | |
| APPLICANTS Aviv Carmel, Hod Hasharon, ISRAEL; ** CONTINUING DATA ***** This application is a 371 of PCT/IL07/01247 10/18/2007 ** FOREIGN APPLICATIONS ***** ISRAEL 178735 10/19/2006 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 12/15/2009 | | | | | |
| Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 35 USC 119(a-d) conditions met <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Verified and /JOSHUA T KENNEDY/ Acknowledged Examiner's Signature | <input type="checkbox"/> Met after Allowance Initials | STATE OR COUNTRY ISRAEL | SHEETS DRAWINGS 15 | TOTAL CLAIMS 25 26 | INDEPENDENT CLAIMS 2 3 |
| ADDRESS OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850 UNITED STATES | | | | | |
| TITLE COUPLING PIN AND METHOD OF USE THEREOF | | | | | |
| FILING FEE RECEIVED 646 | 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 | | |



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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

| | | |
|--|---|----------------------------|
| In re Application of: MUAZAM, Sarfaraz | : | |
| U.S. Application No.: 12/445,994 | : | DECISION ON PETITION UNDER |
| PCT Application No.: PCT/GB2007/003987 | : | 37 CFR 1.182 |
| International Filing Date: 18 October 2007 | : | |
| Priority Date: 18 October 2007 | : | |
| Atty's Docket No.: 17000.20095/P106106US00 | : | |
| For: BIOMETRIC MATCHING METHOD | : | |
| AND APPARATUS | : | |

This decision is issued in response to the "Transmittal Of Response To Notification Of Missing Requirements Under 35 U.S.C. 371" filed on 13 June 2011, treated in part herein as a petition under 37 CFR 1.182 to correct the record with regard to the inconsistent international application numbers provided by applicant at the time the present application was filed. Deposit Account No. 08-1394 will be charged the required \$400 petition fee.

BACKGROUND

On 17 April 2009, applicant filed papers to initiate the present U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a Transmittal Letter (Form PTO-1390), an application data sheet (ADS), a preliminary amendment, and payment of the basic national fee.

The ADS, Transmittal Letter, and preliminary amendment filed by applicant identified the application as the U.S. national stage of international application PCT/GB2007/003987. However, as evidenced by the Electronic Acknowledgement Receipt, the information provided by applicant during the electronic filing process identified the application as the U.S. national stage of international application PCT/US2007/003987. Thus, the initial application materials filed 17 April 2009 identified two different international application numbers to which the national stage application was purportedly directed.

Based on the information entered by applicant during the electronic filing process, the present application file was initiated in the USPTO PALM system as the national stage of PCT/US2007/003987.

On 22 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an

oath or declaration in compliance with 37 CFR 1.497. The Notification indicated that applicant's preliminary amendment had not been entered because the number of claims in the amendment did not correspond to the number of claims of record in PCT/US2007/003987.

On 13 June 2011, applicant filed a response to the Notification Of Missing Requirements that included an executed declaration directed to PCT/GB2007/003987. Applicant's response also requests that USPTO records be corrected to identify the present application as the national stage of PCT/GB2007/00398, and it argues that the preliminary amendment (which corresponds to the number of claims in PCT/GB2007/003987) should be entered. Applicant's 13 June 2011 submission is considered in part herein as a petition under 37 CFR 1.182.

DISCUSSION

As noted above, the initial application submission of 17 April 2009 identified two different international application numbers to which the national stage application was purportedly directed. Under such circumstances, a grantable petition under 37 CFR 1.182 is required to correct the record with regard to the inconsistent international application numbers provided by applicant. Such correction is necessary before the materials filed 17 April 2009, including the basic national fee payment, may be treated as having been directed to either of the listed international applications, as necessary to avoid abandonment of the international application with respect to the United States. In view of the above, applicant's 13 June 2011 submission has been treated as a petition under 37 CFR 1.182 to confirm the correct international application number.

A grantable petition under 37 CFR 1.182 must include the following: (1) payment of the \$400 petition fee; (2) a statement confirming the correct international application number; and (3) an indication that the correct international application number was included somewhere in the national stage application papers filed prior to the expiration of thirty months from the applicable priority date. Applicant's present submission includes the authorization to charge Deposit Account No. 08-1394 for additional required fees, pursuant to which the Deposit Account will be charged the required \$400 petition fee. The submission also confirms that the correct international application number for the present national stage application is PCT/GB2007/003987 and that the correct international application was present in the materials filed to initiate the present application on 17 April 2009 (e.g., in the ADS and the preliminary amendment). It is noted that these materials were filed prior to the expiration of thirty months from the priority date of PCT/GB2007/003987.

Applicant's 13 June 2011 submission satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the inconsistent international application numbers provided by applicant in the 17 April 2009 filing. Accordingly, the application materials filed on 17 April 2009 will be treated as directed to international application PCT/GB2007/003987. Such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of PCT/GB2007/003987, thereby avoiding abandonment of the international application with respect to the United States.

The Notification Of Missing Requirements mailed on 22 April 2011, which states that the preliminary amendment will not be entered, was based on a review of the preliminary amendment with respect to the incorrect international application and is therefore appropriately vacated.

CONCLUSION

The petition under 37 CFR 1.182 to confirm the correct international application number is **GRANTED**.

The present application will be treated as the U.S. national stage under 35 U.S.C. 371 of PCT/**GB**2007/003987.

Deposit Account No. 08-1394 will be charged the required \$400 petition fee.

The Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 22 April 2011 is hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including consideration of the declaration filed by applicant on 13 June 2011 and the preliminary amendment filed on 17 April 2009 in view of the correct international application, PCT/**GB**2007/003987.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 12/446,016 | 04/17/2009 | Roger W. Avakian | 1200622 N US | 2955 |
| 35227 | 7590 | 08/05/2010 | EXAMINER | |
| POLYONE CORPORATION 33587 WALKER ROAD AVON LAKE, OH 44012 | | | SHEH, ANTHONY H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1796 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 08/05/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



CT

August 6, 2010

| | | |
|-----------------------|----|--------------------------|
| In re application of | : | DECISION ON REQUEST TO |
| Roger Avakian | :: | PARTICIPATE IN PATENT |
| Serial No. 12/446,016 | : | PROSECUTION HIGHWAY |
| Filed: April 17, 2009 | : | PROGRAM AND |
| For: THERMOPLASTIC | : | PETITION TO MAKE SPECIAL |
| POLYHYDROXYALKANOATE | : | UNDER 37 CFR 1.102(d) |
| COMPOUNDS | : | |

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(d), filed June 11, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, 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) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

Application No. 12/446,016

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition fail because:

(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.

While some of the documents listed in the Written Opinion of the International Searching Authority have been provided on the IDS of October 9, 2009 (the US publications), the remaining documents, for example EP 1336634, have not been listed on an IDS, nor copies of the documents provided

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) and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Roger AVAKIAN

§371 Serial No.: 12/446,016
§371 Date: April 17, 2009
PCT Serial No.: PCT/US2007/081898
Filed: October 19, 2007 (19.10.07)

Examiner: Anthony SHEH

For: THERMOPLASTIC
POLYHYDROXYALKANOATE
COMPOUNDS

Response to Dismissal of Petition for Participation in PPH-PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

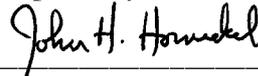
Dear Sir:

Applicant requests reconsideration of their Petition to participate in the PCT-PPH program. The dismissal was based on the fact that non-US references from the IPRP-I/Written Opinion were not provided. That is incorrect. Applicant identifies the references *of record* which are U.S. published family members of the non-US references as follows:

EP1336634B1 = US7135540
EP1508528A1 = US2005035125
WO2004101683A1 = US7098292

The source for the identity of the corresponding US published family members was INPADOC at Espacenet.com. Therefore, all documents from the IPRP-I/Written Opinion are already of record.

Respectfully submitted by:



John H. Hornickel
Registration No. 29,393
Telephone: 440-930-3317
Fax: 440-930-3830
John.Hornickel@PolyOne.com

August 30, 2010
Date

PolyOne Corporation
33587 Walker Road
Avon Lake, Ohio 44012



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 12/446,016 | 04/17/2009 | Roger W. Avakian | 1200622 N US | 2955 |
| 35227 | 7590 | 09/16/2010 | EXAMINER | |
| POLYONE CORPORATION 33587 WALKER ROAD AVON LAKE, OH 44012 | | | SHEH, ANTHONY H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1796 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 09/16/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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SEP 16 2010

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| In re application of | : | DECISION ON REQUEST TO |
| Roger Avakian | : | PARTICIPATE IN PATENT |
| Serial No. 12/446,016 | : | PROSECUTION HIGHWAY |
| Filed: April 17, 2009 | : | PROGRAM AND |
| For: THERMOPLASTIC | : | PETITION TO MAKE SPECIAL |
| POLYHYDROXYALKANOATE | : | UNDER 37 CFR 1.102(d) |
| COMPOUNDS | : | |

This is a decision on the supplemental request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed August 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 12/446,016

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE
CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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|--|---|---------------------|
| In re Application of | : | |
| MAXFIELD, Frederick, et al. | : | DECISION ON REQUEST |
| U.S. Application No.: 12/446,024 | : | FOR WITHDRAWAL AS |
| PCT No.: PCT/US2007/081771 | : | ATTORNEY OF RECORD |
| International Filing Date: 18 October 2007 | : | |
| Priority Date: 18 October 2006 | : | |
| Attorney's Docket No.: CMK-006.01 | : | |
| For: CLN2 TREATMENT OF ALZHEIMER'S | : | |
| DISEASE | : | |

This decision is in response to the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PTO/SB/83) filed by above-named counsel on 22 December 2009.

The assignees of the above-captioned application have filed materials revoking all previous powers of attorney and appointing new attorneys to prosecute the application.

In view of the above, above-named counsel are not the attorneys of record in the present application. Accordingly, the present request for withdrawal as attorney or agent of record is appropriately **DISMISSED AS MOOT**.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3296



09 SEP 2010

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WRIGLEY & DREYFUS 28455
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of :
DIKSELIS, et al. : DECISION ON
Application No.: 12/446,067 :
PCT No.: PCT/US2007/081366 : REQUEST UNDER
Int. Filing Date: 15 October 2007 :
Priority Date: 17 October 2006 : 37 CFR 1.497(d)
Attorney Docket No.: 1391/1809 (DIMPLES) :
For: PRODUCT CONTAINER INCLUDING :
SURFACE WITH BUMPS :

This decision is in response to applicant's request for correction of inventorship under 37 C.F.R. §1.497(d) filed 23 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 October 2007, applicant filed international application PCT/US2007/081366, which claimed priority of an earlier application filed 17 October 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 17 April 2009.

On 17 April 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 13 May 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 16 June 2010, applicant filed a signed declaration.

On 19 July 2010, applicant was mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) advising applicant that the filed declaration was non-complaint as it listed and was executed by an individual who did not appear as an inventor on the

published international application. Applicant was afforded one month or the extendable time from due date of the Form PCT/DO/EO/905 to file a response.

On 23 August 2010, applicant filed the petition discussed herein accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee. The response is considered timely filed.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1), (3) and (4).

As to item (2), the declaration presently filed does not comply with 37 CFR 1.497(a)-(b). The Manual of Patent Examining Procedure (MPEP) Section 201.03 explains:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The declaration filed 16 June 2010 contains two page twos and three page threes. As such, it appears that the inventors were not provided with complete declarations for signature or only returned the signature pages. Either scenario renders the documents non-compliant.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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|--|---|-----------------|
| In re Application of | : | |
| DIKSELIS, et al. | : | DECISION ON |
| Application No.: 12/446,067 | : | |
| PCT No.: PCT/US2007/081366 | : | REQUEST UNDER |
| Int. Filing Date: 15 October 2007 | : | |
| Priority Date: 17 October 2006 | : | 37 CFR 1.497(d) |
| Attorney Docket No.: 1391/1809 (DIMPLES) | : | |
| For: PRODUCT CONTAINER INCLUDING | : | |
| SURFACE WITH BUMPS | : | |

This decision is in response to applicant’s “Renewed Petition Under 37 C.F.R. §1.497(d)” filed 29 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 September 2010, applicant was mailed a decision dismissing applicant’s request under 37 CFR 1.497(d) to add an inventor in the above-identified application. Applicant was afforded two months to file any request for reconsideration.

On 29 September 2010, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 05 January 2009, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: “If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant previously satisfied items (1), (3) and (4).

With the filing of the present renewed petition and supporting materials applicant has satisfied the remaining element in the form of a compliant declaration of the inventors and it is therefore appropriate to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed request under 37 CFR 1.497(d) is **GRANTED.**

This application has an international application filing date of 15 October 2007 and will be given a date of **29 September 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

| | | | |
|-------------------------|---------------------|--------------|---------------|
| Application No: | 12/446,122 | Filing date: | July 13, 2010 |
| First Named Inventor: | Anthony Paul Simons | | |
| Title of the Invention: | A Roll Stabilizer | | |

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/AU2007/001616

The international filing date of the corresponding PCT application(s) is/are: October 24, 2007

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

Is attached.

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

Is attached.

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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 Patent Application of:

Anthony Paul Simons

Serial No.: 12/446,122

Filed: July 13, 2010

For: A ROLL STABILIZER

Confirmation No.: 3550

Date: May 12, 2011

Group Art Unit: 3617

Examiner: Unassigned

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

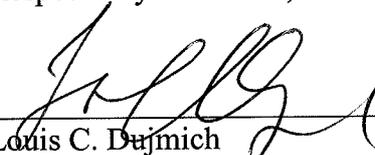
INFORMATION DISCLOSURE STATEMENT

Sir:

Submitted herewith is a copy of an International Preliminary Report on Patentability (IPRP) issued in corresponding International Application No. PCT/AU2007/001616, together with a form listing the same for the convenience of the Examiner.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
FILING SYSTEM ON May 12, 2011.

Respectfully submitted,



Louis C. Dujmich

Registration No.: 30,625

OSTROLENK FABER LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

LCD:JJF:ck

| | | |
|---|-------------------------------|------------------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | Application 12/446,122 | Our File No. P/4954-12 |
| | Applicant Anthony Paul Simons | |
| | Filing Date July 13, 2010 | Group Art Unit 3617 |

U.S. PATENT DOCUMENTS (not submitted for applications filed after 6/30/03)

| Examiner Initial | Document Number | Date MM-YYYY | Name | Class | Sub-class | Filing Date If Appropriate |
|------------------|-----------------|--------------|------|-------|-----------|----------------------------|
| | US- | | | | | |
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FOREIGN PATENT DOCUMENTS

| | Document Number | Date MM-YYYY | Country | Class | Sub-Class | Translation | |
|--|-----------------|--------------|---------|-------|-----------|-------------|----|
| | | | | | | Yes | No |
| | | | | | | | |
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OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|--|--|
| | | International Preliminary Report on Patentability, Issued October 29, 2008 in corresponding International Application No. PCT/AU2007/001616. |
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| | |
|-----------------|------------------------|
| Examiner | Date Considered |
|-----------------|------------------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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 SJS:JCN:P62750.PCT | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/AU2007/001616 | International filing date (<i>day/month/year</i>) 24 October 2007 | Priority date (<i>day/month/year</i>) 17 November 2006 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. B63B 39/06 (2006.01) | | |
| Applicant AUSTAL SHIPS PTY LTD et al | | |

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 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 and/or table related thereto, 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 or industrial applicability; citations and explanations supporting such statement
 - Box No. VI Certain documents cited
 - Box No. VII Certain defects in the international application
 - Box No. VIII Certain observations on the international application

| | |
|--|--|
| Date of submission of the demand 11 September 2008 | Date of completion of this report 29 October 2008 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. +61 2 6283 7999 | Authorized Officer ADRIANO GIACOBETTI AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. +61 2 6283 2579 |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2007/001616

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 (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 1-10 as originally filed/furnished
 - pages* received by this Authority on _____ with the letter of _____
 - pages* received by this Authority on _____ with the letter of _____
- the claims:
 - pages 11, 12 as originally filed/furnished
 - pages* 13 as amended (together with any statement) under Article 19
 - pages* received by this Authority on _____ with the letter of _____
 - pages* received by this Authority on _____ with the letter of _____
- the drawings:
 - pages 1/5-5/5 as originally filed/furnished
 - pages* received by this Authority on _____ with the letter of _____
 - pages* received by this Authority on _____ with the letter of _____

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to 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 they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to the sequence listing (*specify*): _____

5. This report has been established taking into account the rectification of an obvious mistake authorized by or notified to the Authority under Rule 91 (Rule 70.2(e)).

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2007/001616

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 1-16 | YES |
| | Claims NONE | NO |
| Inventive step (IS) | Claims 1-16 | YES |
| | Claims NONE | NO |
| Industrial applicability (IA) | Claims 1-16 | YES |
| | Claims NONE | NO |

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1: US 3080845 A (POLLAK) 12 March 1963

D2: US 4273063 A (BERNE) 16 June 1981

D3: GB 829821 A (SPERRY RAND CORPORATION) 9 March 1960

NOVELTY (N) AND INVENTIVE STEP (IS): Claims 1-16 (YES)

Claims 1-16 meet the criteria set forth in PCT Articles 33(2) and (3), because none of the prior art documents published before the priority date discloses or fairly suggests a roll stabiliser comprising a fixed fin portion connected during use to a hull of a vessel so as to extend outwardly of the hull in a substantially non-vertical direction; a flap portion rotatable relative to the fixed fin portion; a shaft; a seal assembly; a first split bearing disposed during use in a vessel hull on the shaft wherein the first split bearing facilitates rotation of the flap portion and comprising a first bearing portion, a second bearing portion and first operative bearing components; wherein access to the first operative bearing components and the seal assembly is obtainable by separating the first and second bearing portions from each other. Therefore the invention of claims 1 to 16 is novel and involves an inventive step over the above documents (D1) to (D3).

INDUSTRIAL APPLICABILITY (IA): Claims 1-16 (YES)

The invention defined in the claims 1 to 16 is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.



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. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 12/446,122 | 07/13/2010 | Anthony Paul Simons | P/4954-12 V11804 | 3550 |

2352 7590 06/03/2011
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

| |
|----------|
| EXAMINER |
|----------|

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3617 | |

| MAIL DATE | DELIVERY MODE |
|------------|---------------|
| 06/03/2011 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 03 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re application of
Anthony Paul Simons
Application No. 12/446,122
Filed: July 13, 2010
For: ROLL STABILIZER

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 12, 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 IPAU 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 preliminary amendment filed April 17, 2009, and the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 06/03/11



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

MAILED
MAR 24 2011

PAUL, HASTINGS, JANOFSKY &
WALKER LLP
875 15th Street, NW
Washington DC 20005

PCT LEGAL ADMINISTRATION

| | | |
|--|---|---------------------|
| In re Application of | : | |
| NAKAJIMA, Toshiaki, et al. | : | DECISION ON REQUEST |
| U.S. Application No.: 12/446,144 | : | FOR WITHDRAWAL AS |
| PCT No.: PCT/JP2007/069787 | : | ATTORNEY OR AGENT |
| International Filing Date: 03 October 2007 | : | |
| Priority Date: 18 October 2006 | : | |
| Attorney's Docket No.: SUZ0063-US | : | |
| For: THERAPEUTIC SYSTEM, | : | |
| THERAPEUTIC DEVICE, AND | : | |
| CONTROL METHOD | : | |

This decision is in response to the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PCT/SB/83) filed 01 April 2010.

For the reasons discussed below, the request to withdraw as attorney or agent of record is **DISMISSED AS MOOT** and the request to change the correspondence address is **DISMISSED** without prejudice.

A review of the application file reveals that a valid power of attorney appointing the above-named attorneys was never filed. Because a valid power of attorney is not present, the practitioner who filed the present application is deemed to have acted in a representative capacity pursuant to 37 CFR 1.34.

For requests to withdraw filed on or after 12 May 2008, the Office no longer approves requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file. Change in Procedure for Requests to Withdraw from Representation in a Patent Application, 1329 OG 99, 08 April 2008.

With respect to the request to change the correspondence address, the applicants herein have filed an executed declaration appointing different attorneys as their representatives in the present application and identifying a new correspondence address for the application. Under

these circumstances, the person signing the request to change the correspondence address contained in the 01 April 2010 submission is not authorized to change the correspondence address of record. Accordingly, the request to change the correspondence address contained in the 01 April 2010 submission is appropriately dismissed.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3296



FISH & RICHARDSON P.C. (SD)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

APR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of
Prather et al.
Application No.: 12/446,146
PCT No.: PCT/US2007/081701
Int. Filing Date: 17 October 2007
Priority Date: 17 October 2006
Attorney Docket No.: 15670-0139US2
For: Compact Aerosol Time-Of-
Flight Mass Spectrometer

.....

DECISION

This is in response to the correspondence filed on 18 February 2011.

BACKGROUND

This international application was filed on 17 October 2007, claimed an earlier priority date of 17 October 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 17 April 2009. Applicants filed *inter alia* the basic national fee on 17 April 2009.

On 20 August 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 20 December 2010, applicants filed a response, including a declaration and the surcharge.

On 20 January 2011, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed, objecting to a discrepancy in inventor Mayer's middle initial.

DISCUSSION

Counsel requests acceptance of the declaration filed on 20 December 2010 on the basis that inventor Joseph E. Mayer's name as it appears on the declaration is correct, and that the different version appearing in the international application (MAYER, Joseph, G.) was incorrect due to a typographical error. Under the policy described at MPEP 605.04(b), counsel's statement is being accepted. Therefore, the declaration filed on 20 December 2010 is being accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration is **ACCEPTED** as described above.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **20 December 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re Application of
Bao-Shan Huang
Application No. 12/446,171
Filed: August 31, 2010
Attorney Docket No. P36197

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:

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 8, 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 he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1625 for action on the merits commensurate with this decision.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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PATENT CORRESPONDENCE
ARNALL GOLDEN GREGORY LLP
171 17TH STREET NW
SUITE 2100
ATLANTA, GA 30363

MAILED
MAY 02 2011

PCT LEGAL ADMINISTRATION

In re Application of BREAKER et al :
U.S. Application No.: 12/446,188 :
PCT Application No.: PCT/US2007/081973 :
Int. Filing Date: 19 October 2007 :
Priority Date Claimed: 19 October 2006 :
Attorney Docket No.: 24519.13.8402 :
For: COMPUTATIONAL DESIGN OF :
RIBOZYMES :

DECISION

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 25 February 2011.

BACKGROUND

On 19 October 2007, applicant filed international application PCT/US2007/081973, which claimed priority of an earlier United States application filed 19 October 2006. The thirty-month period for paying the basic national fee in the United States expired on 20 April 2009.

On 17 April 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 25 February 2011, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

* * *

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged

in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states on page 1 that joint inventor Robert Penchovski cannot be found after diligent effort. However, the petition on page 2 states that Penchovski refuses to sign. Petitioner is required to specify which allegation is being made. The petition does not sufficiently demonstrate that a diligent effort was made to locate Penchovski since there is no documentary evidence of attempts to contact Penchovski by methods other than postal mail. Petitioner should provide documentary evidence of efforts to reach Penchovski by telephone, by electronic mail, by searching directories, by contacting Penchovski's former/current employer, and by contacting the other joint inventor. Additionally, the petition does not adequately illustrate that a bona fide attempt was made to present a copy of the application papers to Penchovski and that Penchovski actually received such papers, which is necessary to show that Penchovski refuses to sign.

With regard to item (3) above, the requisite \$200.00 petition fee will be charged to Deposit Account No. 50-3129 as authorized in the petition.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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PATENT CORRESPONDENCE
ARNALL GOLDEN GREGORY LLP
171 17TH STREET NW
SUITE 2100
ATLANTA, GA 30363

MAILED

AUG 10 2011

PCT LEGAL ADMINISTRATION

| | | |
|--|---|----------|
| In re Application of BREAKER et al | : | |
| U.S. Application No.: 12/446,188 | : | |
| PCT Application No.: PCT/US2007/081973 | : | |
| Int. Filing Date: 19 October 2007 | : | DECISION |
| Priority Date Claimed: 19 October 2006 | : | |
| Attorney Docket No.: 24519.13.8402 | : | |
| For: COMPUTATIONAL DESIGN OF | : | |
| RIBOZYMES | : | |

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 22 June 2011.

BACKGROUND

On 19 October 2007, applicant filed international application PCT/US2007/081973, which claimed priority of an earlier United States application filed 19 October 2006. The thirty-month period for paying the basic national fee in the United States expired on 20 April 2009.

On 17 April 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 25 February 2011, applicant filed a petition under 37 CFR 1.47(a).

On 02 May 2011, this Office mailed a decision dismissing the 25 February 2011 petition.

On 22 June 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

The renewed petition is accompanied by a declaration executed by the previously nonsigning inventor. This is a proper response to the decision mailed 02 May 2011.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 19 October 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 June 2011.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303

Facsimile: 571-273-0459



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MAILED

JUN 20 2011

PCT LEGAL ADMINISTRATION

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO CA 94303

| | | |
|-----------------------------------|---|----------------|
| In re Application of | : | |
| JAMIESON et al. | : | |
| Application No.: 12/446,203 | : | DECISION under |
| PCT No.: PCT/US07/22600 | : | |
| Int. Filing Date: 24 October 2007 | : | 37 CFR 1.182 |
| Priority Date: 25 October 2006 | : | |
| Attorney Docket No.: | : | |
| For: MODELS OF ERYTHROPOIESIS | : | |

This is a decision applicant's "PETITION UNDER 37 CFR 1.182" to correct inventor's name filed on 02 February 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 19 August 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 02 February 2011 Applicant responded to the Notification with a declaration executed by the inventors and the \$65 surcharge.

DISCUSSION

A four month extension of time is required since the Notification of Missing Requirements was issued on 19 August 2010 and applicant's response was filed four months after the expiration of the two month time period or on 02 February 2011. The fee (\$865) for a four month extension of time will be charged to applicant's deposit account per their authorization.

To correct the inventor's name, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c). A review of the application file reveals that the given name of the applicant as listed on the published international application is "ANNELIE ABRAHAMSON". The declaration, filed on 02 February 2011, was signed by "ANNELIE SCHAIRER". Applicant submits a petition under 37 CFR 1.182 including a statement by the inventor ANNELIE ABRAHAMSON indicating that her name changed due to her marriage. Applicant paid the requisite \$400

petition fee. The petition under 37 CFR 1.182 to change the respective inventor's name to ANNELIE SCHAIRER is granted. The declaration, submitted on 02 February 2011, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.182 to change the respective inventor's name to ANNELIE SCHAIRER is **GRANTED**. The declaration, submitted on 02 February 2011, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 02 February 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459



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JUL 28 2011

PCT LEGAL ADMINISTRATION

HOSOON LEE
9600 SW OAK ST. SUITE 525
TIGARD OR 97223

| | | |
|-----------------------------------|---|----------|
| In re Application of | : | |
| SATAKE, Yuki, et al. | : | |
| Application No.: 12/446,230 | : | |
| PCT No.: PCT/JP2007/069969 | : | DECISION |
| Int. Filing Date: 12 October 2007 | : | |
| Priority Date: 17 October 2006 | : | |
| Att. Docket No.: 0930-003 | : | |
| For: INDUCTOR | : | |

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 30 June 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate reply and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 12/446,255 | 04/20/2009 | Osamu Igarashi | 340534US26PCT | 4654 |

22850 7590 07/13/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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| EXAMINER |
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LAM, THANH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2834 | |

| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|
| 07/13/2011 | 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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of

IGARASHI et al.

Application No.: 12/446,255

Filed: 20 April 2009

Attorney Docket No.: 340534US26PCT

**For: SUPERCHARGING CONTROL
SYSTEM OF AN INTERNAL
COMBUSTION ENGINE**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 21 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.


Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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: 1807 US

Application Number (if known): 12446346

Filing date: 2009-04-20

First Named Inventor: Joanne Elizabeth Melville

Title: THERMALLY REGENERABLE NITRIC OXIDE ABSORBENT

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of Special Status and Preliminary Amendment

Signature /Stephen J. Driscoll/

Date 02/18/2011

Name Stephen J. Driscoll
(Print/Typed)

Registration Number 37564

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.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|---------------------------|---------------------|------------------|
| 12/446,346 | 02/08/2011 | Joanne Elizabeth Melville | AA 1807 US | 5154 |
| 95567 | 7590 | 08/19/2011 | EXAMINER | |
| RatnerPrestia (JM) P.O. Box 980 Valley Forge, PA 19482-0980 | | | ART UNIT | PAPER NUMBER |
| | | | 1736 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 08/19/2011 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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RatnerPrestia (JM)
P.O. Box 980
Valley Forge PA 19482-0980

AUG 19 2011

In re Application of
Joanne Melville et al.
Application No. 12/446,346
Filed: April 20, 2009
Attorney Docket No. AA 1807 US

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 12/446,351 | 06/22/2009 | Calum Whitelaw | MUR-09-1094 | 5194 |
| 35811 | 7590 | 03/08/2012 | EXAMINER | |
| IP GROUP OF DLA PIPER LLP (US) ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103 | | | LOIKITH, CATHERINE A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3676 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 03/08/2012 | 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):

pto.phil@dlapiper.com



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March 8, 2012

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re Application of :
Calum Whitelaw : **DECISION ON PETITION**
Application No. 12446351 :
Filed: 6/22/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. MUR-09-1094 : **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) September 27, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/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 KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

| | | | |
|-----------------|------------|--------------|------------|
| Application No: | 12/446,376 | Filing date: | 10/14/2009 |
|-----------------|------------|--------------|------------|

| | |
|-----------------------|----------------|
| First Named Inventor: | ENRIQUE AGORIO |
|-----------------------|----------------|

Title of the Invention: **METHOD AND APPARATUS FOR SAMPLE EXTRACTION AND HANDLING**

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/US2007/082030

The international date of the corresponding PCT application(s) is/are: October 20, 2007

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- Is attached.
- Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- Is attached.
- Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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.: 12/446,376

First Named Inventor: Enrique Agorio

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

September 30, 2009



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.

September 30, 2009

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 |
|--------------------------|--|---|
| Claims 1 to 4 | Claims 1 to 4 | Original |
| Claim 5 | Claim 5 | The word 'method' was replaced with 'apparatus' |
| Claim 6 | Claim 6 | Original |
| Claim 7 | Claim 7 | The word 'rotate' was replaced with 'rotating' |
| Claim 8 | Claim 8 | The word 'method' was replaced with 'apparatus' |
| Claims 9 to 20 | Claims 9 to 20 | Original |
| Claim 21 | Claim 21 | Claim dependency was amended from claim 22 to claim 13 in the Article 19 Amendments file June 30, 2008 |
| Claim 22-25 | Claim 22-25 | Original |
| Claim 26 | Claim 21 | The word 'lamella' was replaced with 'sample'; the word 'vertical' was replaced with 'planar'; Claim 26 is dependent on PCT Claim 22 |
| Claim 27 | Claim 6 | The word 'oblique' was replaced with 'acute' Claim 27 is dependent on PCT Claim 3 |
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III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

| | |
|---------------------------------|---------------------------|
| Signature /david griner/ | Date August 10, 2011 |
| Name (Print/Typed) David Griner | Registration Number 47614 |



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

William H. Dippert
Eckert Seamans Cherin & Mellott,
LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh PA 15219

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of

Lahav, et al.

Application No. 12/446,393

Filed: April 20, 2009

DECISION ON PETITION

Attorney Docket No. 298856-00185

This is a decision on the petition under 37 CFR 1.137(b), filed January 24, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 14, 2011, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on October 15, 2011.

The amendment filed January 24, 2012, is noted.

The application is being forwarded to Technology Center 1700, GAU 1777 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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: | 12/446,404 | Filing date: | 09/16/2009 |
|-----------------|------------|--------------|------------|

| | |
|-----------------------|----------------|
| First Named Inventor: | JEFF BLACKWOOD |
|-----------------------|----------------|

| | |
|-------------------------|---|
| Title of the Invention: | METHOD FOR CREATING S/TEM SAMPLE AND SAMPLE STRUCTURE |
|-------------------------|---|

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/US2007/082163

The international date of the corresponding PCT application(s) is/are: October 22, 2007

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

Is attached.

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

Is attached.

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

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.: 12/446,404

First Named Inventor: Jeff Blackwood

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

September 30, 2009

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.

September 30, 2009

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 |
|--------------------------|--|---|
| Claim 1 | Claim 1 | Original |
| Claim 2 | Claim 2 | Dependency has been changed from 'claim 0' to 'claim 1' |
| Claims 3-4 | Claims 3-4 | Original |
| Claim 5 | Claim 5 | Dependency has been changed from 'claim 0' to 'claim 1' |
| Claim 6 | Claim 6 | Original |
| Claim 7 | Claim 7 | Dependency has been changed from 'claim 0' to 'claim 1' |
| Claim 8 | Claim 8 | Original |
| Claim 9 | Claim 9 | Dependency has been changed from 'claim 0' to 'claim 1' |
| Claim 10 | Claim 10 | Original |
| Claims 11-12 | Claims 11-12 | Dependency has been changed from 'claim 0' to 'claim 1' |
| Claims 13-25 | Claims 13-25 | Original |
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III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

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|---------------------------------|---------------------------|
| Signature /david griner/ | Date August 10, 2011 |
| Name (Print/Typed) David Griner | Registration Number 47614 |



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. |
|-----------------------|-------------|----------------------|---------------------|------------------|
| 12/446,404 | 09/16/2009 | Jeff Blackwood | F630 | 5510 |
| 25784 | 7590 | 11/09/2011 | EXAMINER | |
| MICHAEL O. SCHEINBERG | | | CHANG, HANWAY | |
| P.O. BOX 164140 | | | ART UNIT | PAPER NUMBER |
| AUSTIN, TX 78716-4140 | | | 2881 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 11/09/2011 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN TX 78716-4140

In re Application of

BLACKWOOD et al.

Application No.: 12/446,404

Filed: 16 September 2009

Attorney Docket No.: F630

**For: METHOD FOR CREATING
S/TEM SAMPLE AND SAMPLE
STRUCTURE**

**: 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 10 August 2010, to make the above-identified application special.

The request and petition are **DISMISSED** as moot as prosecution on the application has already begun.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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: | 12/446,420 | Filing date: | 09/16/2009 |
|-----------------|------------|--------------|------------|

| | |
|-----------------------|----------------|
| First Named Inventor: | JEFF BLACKWOOD |
|-----------------------|----------------|

| | |
|-------------------------|---|
| Title of the Invention: | METHOD FOR CREATING S/TEM SAMPLE AND SAMPLE STRUCTURE |
|-------------------------|---|

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/US2007/082159

The international date of the corresponding PCT application(s) is/are: October 22, 2007

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

Is attached.

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

Is attached.

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------|-------------|----------------------|---------------------|------------------|
| 12/446,420 | 09/16/2009 | Jeff Blackwood | F631 | 5605 |
| 25784 | 7590 | 10/24/2011 | EXAMINER | |
| MICHAEL O. SCHEINBERG | | | WU, JENNY R | |
| P.O. BOX 164140 | | | ART UNIT | PAPER NUMBER |
| AUSTIN, TX 78716-4140 | | | 1724 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 10/24/2011 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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CT

October 24, 2011

| | | |
|--------------------------------|---|--------------------------|
| In re application of | : | DECISION ON REQUEST TO |
| Jeff Blackwood et al | : | PARTICIPATE IN PATENT |
| Serial No. 12/446,420 | : | PROSECUTION HIGHWAY |
| Filed: September 16, 2009 | : | PROGRAM AND |
| For: METHOD FOR CREATING S/TEM | : | PETITION TO MAKE SPECIAL |
| SAMPLE AND SAMPLE STRUCTURE | : | UNDER 37 CFR 1.102(a) |

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed August 10, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 12/446,420

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

12/446,424 04/20/2009 Soo-Jin Park 507256 5637

53609 7590 11/10/2010
REINHART BOERNER VAN DEUREN P.C.
2215 PERRYGREEN WAY
ROCKFORD, IL 61107

EXAMINER

FEELY, MICHAEL J

ART UNIT PAPER NUMBER

1761

NOTIFICATION DATE DELIVERY MODE

11/10/2010 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):

RockMail@reinhartlaw.com



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REINHART BOERNER VAN DEUREN P.C.
2215 PERRYGREEN WAY
ROCKFORD IL 61107

Applicant: Park et al.
Appl. No.: 12/446,424
Filing Date: April 20, 2009
Title: METHOD FOR MANUFACTURING EPOXY NANOCOMPOSITE MATERIAL
CONTAINING VAPOR-GROWN CARBON NANOFIBERS AND ITS PRODUCTS
THEREBY
Attorney Docket No.: 507256
Pub. No.: US 2010/0130646 A1
Pub. Date: May 27, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 3, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 11/10/2010 KKING1
11/04/2010 INTEFSW 00004585 503505 12446424
01 FC:1504 300.00 CR

- 9 SEP 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

In re Application of MANN et al. :
Application No.: 12/446,433 : DECISION ON
PCT No.: PCT/EP07/08169 :
Int. Filing Date: 19 September 2007 : PETITION TO REVIVE
Priority Date: 19 September 2006 :
Attorney Docket No.: 09-396 : UNDER 37 CFR 1.137(b)
For: DEVICE AND METHOD FOR PERFORMING :
MEASUREMENTS DURING A SURGICAL INTERVENTION :
BY A MEANS OF AN OPTICAL COHERENCE :
TOMOGRAPHY DEVICE :

The petition to revive under 37 CFR 1.137(b) filed 20 April 2010 in the above-captioned application is hereby **GRANTED**.

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the petition fee of \$1620 has been paid and the basic national fee of \$330 was provided. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The declaration submitted on 20 April 2009 was filed under PCT Rule 4.17 and signed by the inventors. It is evident that the declaration was not filed with the Request form and international application but filed thereafter, since the Request was filed on 19 September 2007 and it appears that the declarations were executed on 27 November, 03 December and 11 December 2007. It is noted that the declaration contains three pages; each page contains different inventors. The declaration executed by inventors Mann and Hoerauf does not contain any indication that the declaration continues on other pages. The declaration does not identify all the inventors and therefore, is unacceptable. It appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are

executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

NOV 30 2010

PCT LEGAL ADMINISTRATION

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

| | | |
|---|---|-------------|
| In re Application of MANN et al. | : | |
| Application No.: 12/446,433 | : | DECISION ON |
| PCT No.: PCT/EP07/08169 | : | |
| Int. Filing Date: 19 September 2007 | : | DECLARATION |
| Priority Date: 19 September 2006 | : | |
| Attorney Docket No.: 09-396 | : | |
| For: DEVICE AND METHOD FOR PERFORMING | : | |
| MEASUREMENTS DURING A SURGICAL INTERVENTION | : | |
| BY A MEANS OF AN OPTICAL COHERENCE | : | |
| TOMOGRAPHY DEVICE | : | |

This is in response to applicant's submission of a declaration executed by the inventors. On 09 September 2010, a decision was mailed to applicant indicating that the declaration submitted on 20 April 2009 was unacceptable because the declaration did not identify all the inventors and was not in compliance with 37 CFR 1.497(a) and (b).

On 16 September 2010, applicant filed a newly executed declaration, which identifies all the inventors and the application to which it is directed. It also identifies the citizenship, mailing address and residency for each inventor. The declaration is in compliance with 37 CFR 1.497(a) and (b) and is acceptable. The surcharge for filing the declaration after the thirty month period was paid.

The Notice of Acceptance mailed on 28 September 2010 incorrectly indicates the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date and the date of completion of the 35 U.S.C. 371 requirements as 21 September 2010. The Notice is hereby **VACATED**. The correct date is 16 September 2010.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a new Notice of Acceptance indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date and the date of completion of the 35 U.S.C. 371 requirements as 16 September 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

| | | | |
|-----------------|----------|--------------|------------|
| Application No: | 12446437 | Filing date: | 2009-07-29 |
|-----------------|----------|--------------|------------|

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|-----------------------|----------------|
| First Named Inventor: | Duncan, Andrew |
|-----------------------|----------------|

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|-------------------------|------------------|
| Title of the Invention: | A METAL DETECTOR |
|-------------------------|------------------|

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/AU2007/001610

The international filing date of the corresponding PCT application(s) is/are: 2007-10-23

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- Is attached.
- Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- Is attached.
- Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 12/446,437 | 07/29/2009 | Andrew Duncan | 82579-2 | 5798 |
| 22504 | 7590 | 06/08/2011 | EXAMINER | |
| DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045 | | | PHAN, HUY Q | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2858 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 06/08/2011 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

seapatentdocket@dwt.com



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DAVIS WRIGHT TREMAINE, LLP/Seattle
1201 Third Avenue, Suite 2200
SEATTLE WA 98101-3045

| | |
|-------------------------------------|------------------------------------|
| In re Application of | : DECISION ON REQUEST TO |
| DUNCAN et al. | : PARTICIPATE IN THE PATENT |
| Application No.: 12/446,437 | : PROSECUTION HIGHWAY |
| Filed: 29 July 2009 | : PROGRAM AND PETITION |
| Attorney Docket No.: 82579-2 | : TO MAKE SPECIAL UNDER |
| For: METAL DETECTOR | : 37 CFR 1.102(a) |

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 24 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, MAIL DATE, DELIVERY MODE.

IP Legal Services
1500 East Lancaster Avenue, Suite 200
P.O. Box 1027
Paoli, PA 19301

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer (handwritten signature)

Patent Publication Branch
Office of Data Management



10 SEP 2010

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Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff, Manor, NY 10510

| | | |
|--|---|-----------------|
| In re Application of: | : | |
| MEIJER et al. | : | |
| U.S. Application No.: 12/446,482 | : | |
| PCT No.: PCT/IB2007/054305 | : | PETITION UNDER |
| International Filing Date: 27 October 2007 | : | 37 CFR 1.497(d) |
| Priority Date: 27 October 2006 | : | TO CORRECT |
| Attorney's Docket No.: 007671 US1 | : | INVENTORSHIP |
| For: A COLOR CONTROLLED LIGHT SOURCE | | |
| AND A METHOD FOR CONTROLLING | | |
| COLOR GENERATION IN A LIGHT SOURCE | | |

This decision is issued in response to applicant's "Petition to Correct Inventorship under 37 CFR 1.48(a)" filed 03 June 2010 treated herein as a petition under 37 CFR 1.497(d). The \$130 petition fee will be charged to Deposit Account no. 14-1270.

BACKGROUND

On 27 October 2007, applicant filed international application PCT/IB2007/054305 which claimed a priority date of 27 October 2006. The international application named Eduard J. Meijer and John B. Mills as applicants/inventors. The deadline for submission of the basic national fee was to expire thirty months from the priority date, i.e., 27 April 2009.

On 21 April 2009, applicant filed a request for entry into the national stage in the United States of America under 35 U.S.C. 371 which was accompanied by: the requisite basic national fee, a copy of the international application, a preliminary amendment, and a declaration executed by Eduardo J. Meijer and John B. Mills.

On 03 June 2010, applicant filed a declaration executed by: Eduardo J. Meijer; John B. Mills; Volkmar Schulz; Bernd Ackermann; Lorenzo Feri and Hans M.B. Boeve and the present request to Correct Inventorship under 37 CFR 1.497(d).

DISCUSSION

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application,

therefore, applicant's request will be treated under 37 CFR 1.497(d). The present submission seeks to correct the inventorship so as to add inventors Volkmar Schulz; Bernd Ackermann; Lorenzo Feri and Hans M.B. Boeve to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17; and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter); and

(4) any new oath or declaration required by paragraph (f) of this subsection.

Applicants have submitted a statement from the persons being added (Volkmar Schulz; Bernd Ackermann; Lorenzo Feri and Hans M.B. Boeve) as inventors in compliance with 37 CFR 1.497(d)(1). The \$130 processing fee required under 37 CFR 1.497(d)(2) has been submitted. And applicants have submitted the consent of the assignee to the requested correction of inventorship in the form required under 37 CFR 1.497(d)(3) and 3.73(b). Lastly, applicant has submitted a declaration executed by Eduard J. Meijer, John B. Mills, Albert Clark Lardo, Volkmar Schulz; Bernd Ackermann; Lorenzo Feri, and Hans M.B. Boeve. Therefore, applicant's request to correct inventorship under 37 CFR 1.497(d) is granted.

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

Volkmar Schulz; Bernd Ackermann; Lorenzo Feri and Hans M.B. Boeve will be added as inventors herein.

Application No.: 12/446,482

3

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298



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KING & SPALDING LLP
P.O. BOX 889
BELMONT, CA 94002-0889

MAILED
MAY 25 2011

PCT LEGAL ADMINISTRATION

In re Application of HNOJEWYJ et al :
U.S. Application No.: 12/446,498 :
PCT Application No.: PCT/US2007/022540 :
Int. Filing Date: 23 October 2007 :
Priority Date Claimed: 23 October 2006 :
Attorney Docket No.: 58931-8003.US00 :
For: A DRUG-RELEASE COMPOSITION :
HAVING A THERAPEUTIC CARRIER :

DECISION

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 21 March 2011 and the supplement to the petition filed on 10 May 2011.

BACKGROUND

On 23 October 2007, applicant filed international application PCT/US2007/022540, which claimed priority of an earlier United States application filed 23 October 2006. The thirty-month period for paying the basic national fee in the United States expired on 24 April 2009.

On 21 April 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 October 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 March 2011, applicant filed the present petition under 37 CFR 1.47(a).

On 10 May 2011, applicant filed a supplement to the petition.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition adequately demonstrates that a bona fide attempt as made to present a copy of the application papers to joint inventor Olexander Hnojewyj for signature (see affidavit of

Richard Ian Clegg). Furthermore, the petition sufficiently illustrates that inventor Hnojewyj refuses to sign. Specifically, the inventor's failure to return an executed declaration in response to numerous electronic mail messages delivered to him constitute a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that inventor Hnojewyj refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 October 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 March 2011.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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Olexander Hnojewyj
1042 Wilmington Way
Emerald Hills, CA 94062

MAILED

MAY 25 2011

PCT LEGAL ADMINISTRATION

In re Application of HNOJEWYJ et al
U.S. Application No.: 12/446,498
PCT Application No.: PCT/US2007/022540
Int. Filing Date: 23 October 2007
Priority Date Claimed: 23 October 2006
For: A DRUG-RELEASE COMPOSITION
HAVING A THERAPEUTIC CARRIER

Dear Olexander Hnojewyj:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in cursive script that reads "Bryan Lin".

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

KING & SPALDING LLP
P.O. BOX 889
BELMONT, CA 94002-0889
Attorney Docket No.: 58931-8003.US00



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 12/446,522 | 04/21/2009 | Masatoshi Hori | MAT-10249US | 6672 |
| 52473 | 7590 | 12/13/2011 | EXAMINER | |
| RATNERPRESTIA | | | SMITH, ERIN W | |
| P.O. BOX 980 | | | ART UNIT | PAPER NUMBER |
| VALLEY FORGE, PA 19482 | | | 3632 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 12/13/2011 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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DEC 1 3 2011

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

| | | |
|----------------------------|---|----------------------|
| In re Application of | : | |
| Masatoshi HORI | : | |
| Application No. 12/446,522 | : | DECISION ON PETITION |
| Filed: April 21, 2009 | : | UNDER 37 CFR §1.181 |
| For: DEVICE-MOUNTING STAND | : | |

This is a decision on applicant's petition under 37 CFR 1.181 filed August 5, 2011.

The petition is **DISMISSED as MOOT**.

Petitioner requests that the examiner be required to consider the references cited in the Information Disclosure Statement (IDS) filed on April 21, 2009, in particular the Japanese Patent Publication No. 2002-77773.

A review of the prosecution record shows that a miscellaneous communication, including an initialized PTO/SB/08a form, was mailed on December 2, 2011 indicating that the "IDS of 4/21/2009 has been considered by [the] examiner." Accordingly, the petition is dismissed as moot.

Questions concerning this decision should be referred to Teri Luu, Quality Assurance Specialist, at (571) 272-7045.

Katherine Matecki, Director
Patent Technology Center 3600
(571) 272-5250

K/ll: 12/05/11
TL



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

FEB 02 2011

OFFICE OF PETITIONS

Applicants: Hooff, et al.

Appl. No.: 12/446,524

International Filing Date: October 19, 2007

Title: Method for Preparing a Vegetable Food Product and Vegetable Food Product Thereby Obtained

Attorney Docket: DECLE168.001APC

Pub. No.: US 2010/0136202 A1

Pub. Date: June 3, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 16, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment to the claims was not published.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication was printed as filed. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification and claims as filed.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or a **complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication.”

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

| | | | |
|-----------------------|----------------------------------|--------------|----------------|
| Application No: | 12/446,524 | Filing date: | April 21, 2009 |
| First Named Inventor: | Van Hooff, Franciscus Laurentius | | |

Title of the Invention: Method for Preparing a Vegetable Food Product and Vegetable Food Product Thereby Obtained

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/EFSS_HELP.HTML](http://www.uspto.gov/EBC/EFSS_HELP.HTML)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2007/061198

The international filing date of the corresponding PCT application(s) is/are: October 19, 2007

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

Is attached

Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

Is attached.

Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

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.: | 12/446,524 |
| First Named Inventor: | Van Hooff, Franciscus Laurentius |

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

Is attached

Has already been filed in the above-identified U.S. application on April 21, 2009

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

Are attached.

Have already been filed in the above-identified U.S. application on April 21, 2009**II. Claims Correspondence Table:**

| Claims in US Application | Patentable Claims in the corresponding PCT Application | Explanation regarding the correspondence |
|--------------------------|--|---|
| 1 | 1 | Formal amendment of U.S. claim to replace "Method" with "A method" |
| 2 | 2 | Formal amendment of U.S. claim to replace "Method" with "The method" |
| 3 | 3 | Formal amendments to conform to U.S. practice |
| 4 | 4 | Formal amendments to conform to U.S. practice |
| 5 | 5 | Formal amendments to conform to U.S. practice |
| 6 | 6 | Formal amendments to conform to U.S. practice |
| 7 | 7 | Formal amendments to conform to U.S. practice |
| 8 | 8 | Formal amendments to conform to U.S. practice |
| 9 | 9 | Formal amendments to conform to U.S. practice |
| 10 | 10 | Formal amendments to conform to U.S. practice |
| 11 | 11 | Formal amendments to conform to U.S. practice |
| 12 | 12 | Formal amendments to conform to U.S. practice |
| 13 | 13 | Formal amendments to conform to U.S. practice |
| 14 | 14 | Formal amendments to conform to U.S. practice |
| 15 | 15 | Formal amendments to conform to U.S. practice |
| 16 | 16, 17 | Formal amendments to conform to U.S. practice; includes limitations of claim 17 |
| 17 | 17 | canceled |
| 18 | 18, 19 | Formal amendments to conform to U.S. practice; includes limitations of claim 19 |
| 19 | 19 | canceled |

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

| | |
|---|----------------------------|
| Signature /Che S. Chereskin/ | Date June 16, 2011 |
| Name (Print/Typed) Che Swyden Chereskin | Registration Number 41,466 |

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|---------------------------------|----------------------|------------------|
| 12/446,524 | 04/21/2009 | Franciscus Laurentius Van Hooff | DECL168.001APC | 6682 |
| 20995 | 7590 | 07/21/2011 | EXAMINER | |
| KNOBBE MARTENS OLSON & BEAR LLP | | | LATHAM, SAEEDA MONEE | |
| 2040 MAIN STREET | | | ART UNIT | PAPER NUMBER |
| FOURTEENTH FLOOR | | | 1789 | |
| IRVINE, CA 92614 | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 07/21/2011 | 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):

jcarter@kmob.com
efiling@kmob.com
eOAPilot@kmob.com



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JUL 21 2011

CT

| | | |
|---------------------------------------|---|--------------------------|
| In re application of | : | DECISION ON REQUEST TO |
| Franciscus Laurentius Van Hooff et al | : | PARTICIPATE IN PATENT |
| Serial No. 12/446,524 | : | PROSECUTION HIGHWAY |
| Filed: April 29, 2008 | : | PROGRAM AND |
| For: METHOD FOR PREPARING A | : | PETITION TO MAKE SPECIAL |
| VEGETABLE FOOD PRODUCT | : | 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 June 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 must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

Application No. 12/446,524

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------|------------------|
| 12/446,664 | 04/22/2009 | Tyson D. Anderson | 740-PDD-05-33 US | 8093 |
| 96000 | 7590 | 03/12/2012 | EXAMINER | |
| C. R. Bard, Inc. Bard Biopsy Systems 1415 W. 3rd St. Tempe, AZ 85281 | | | HOEKSTRA, JEFFREY GERBEN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3736 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 03/12/2012 | 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):

BPVIP.Docket@crbard.com
Jacki.Daspit@crbard.com
raust@austiplaw.com

Discussion

The issue in this case is whether or not the non-elected claims are 44, 46, 47, 51-53 and 72 are directed to the elected Species N.

A review of the Office action mailed on May 5, 2011 does not show any impropriety. The examiner has properly found that the various disclosed and claimed species have lack of unity of invention under PCT Rule 13.1 and PCT Rule 13.2.

After the examiner issued the restriction requirement and the applicant elected the Species N Inventions, the examiner issued a first action on the merits on July 1, 2011. In the non-final Office action of July 1, 2011, the examiner rejected the elected independent apparatus claim 66 as being anticipated by Jamshidi (USP 3,800,783) and Heske et al (USP 2005/0203439A1). Elected claim 66 was the only independent claim that read on the elected Species N. Therefore, it became apparent "a posteriori," or after taking the prior art into consideration, that lack of unity of invention exists. Because all of the features of claim 66 are known and do not avoid the prior art, there is no special technical feature that defines a contribution over the prior art that is common to all of the independent claims. In this situation, there is lack of unity of invention. For the reasons outlined above, the examiner's restriction requirement is proper (MPEP 1850). Of course, upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise require all the limitations of an allowed generic claim (37 CFR 1.141(a)).

With regard to the petitioner's arguments relating Species H and N, it is noted that the applicant did not that dispute the various grouped Inventions are not patentably distinct (see last full paragraph of page 5 of the Office action of May 5, 2011). Therefore, the various groups Inventions, including Species H and N, are deemed to be patentably distinct and independent.

Petitioner argues that claims 44, 46, 47, 51-53 and 72 do read on the elected Species N. A careful review of these claims and the supporting specification does not support the petitioner's position. Paragraphs 25-26 of the substitute specification disclose the mounting structure and a continuous series of points of contact between an axially-elongated support element within the mounting structure. Claims 44, 46, 47, 51-53 are clearly drawn to this non-elected Species H, not to Species N. Paragraphs 34-35 and 38 of the substitute specification disclose the working length extension of the stylet. Claim 72 is clearly drawn to non-elected Species M and P, not to elected Species N. Therefore, the examiner has correctly withdrawn claims 44, 46, 47, 51-53 and 72 from consideration because they are drawn to other non-elected Species.

Conclusion

The restriction requirement issued on May 5, 2011 is in accordance with proper Office procedure in accordance with the PCT Rules. Accordingly, the restriction requirement stands. The petitioner's requested relief to rejoin the non-elected claims 44, 46, 47, 51-53 and 72 will not be granted.

Application Serial No. 12/446,664
Decision on Petition

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3736 for consideration of the applicant's Pre-Appeal Brief Conference Request filed on February 20, 2012. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings (37 CFR 1.181(f)). The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry C. Yuen, Quality Assurance Specialist, at (571) 272-4856.

The petition is DISMISSED.

 Andrew Wang J for

Angela D. Sykes, Director
Technology Center 3700



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OFFICE OF PETITIONS

**Patent Law Agency, LLC
PETER GANJIAN
3146 North Verdugo Road
Glendale CA 91208-1665**

In re Application of :
Roberto Chaves Barcellos RUSCHEL et al. : ON PETITION
Application No. 12/446,691 :
Filed: April 22, 2009 :
Atty. Docket No.: MARCELO-Vegetal :

This is a decision on the petition under 37 CFR 1.137(b), filed October 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

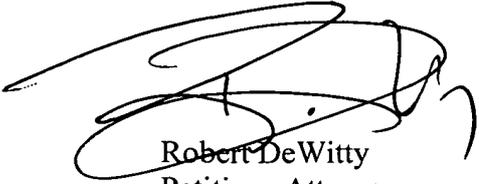
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 30, 2010 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned March 31, 2011. A Notice of Abandonment was mailed August 11, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Office action mailed December 30, 2010, (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 1763 for consideration of the filed Response.

A handwritten signature in black ink, appearing to be 'R. DeWitty', written over the typed name.

Robert DeWitty
Petitions Attorney
Office of Petitions



26748
SYNGENTA CROP PROTECTION, INC.
PATENT AND TRADEMARK DEPARTMENT
411 Swing Road
Greensboro, NC 27409

MAILED

AUG 01 2011

PCT LEGAL ADMINISTRATION

In re Application of :
OOSTENDORP *et al* :
Application No.: 12/446,815 :
PCT No.: PCT/EP2007/009178 :
Int. Filing Date: 23 October 2007 :
Priority Date: 26 October 2006 :
Attorney Docket No.: 71326 :
For: A METHOD FOR CONTROLLING :
SOYBEAN RUST :

DECISION

Applicants' petition to revive under 37 CFR 1.137(b) filed on 01 June 2011 is hereby **GRANTED** as follows:

A complete copy of each declaration executed by the inventors was provided. The declaration is in compliance with 37 CFR 1.497(a) and (b). The petition fee was provided. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.


James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302



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TORONTO, CANADA M5H 3-Y2

MAILED
AUG 20 2010
PCT LEGAL ADMINISTRATION

In re Application of QUATTROCIOCCHI et al :
U.S. Application No.: 12/446,858 :
PCT Application No.: PCT/CA2007/001881 :
Int. Filing Date: 23 October 2007 :
Priority Date Claimed: 23 October 2006 : DECISION
Attorney Docket No.: 9351-1066 :
For: SYSTEM AND METHOD FOR :
ELECTROCHEMICAL CELL SYSTEM :
LEAK DETECTION AND INDICATION :

This is in response to applicant's correspondence filed 15 July 2010.

BACKGROUND

On 23 October 2007, applicant filed international application PCT/CA2007/001881, which claimed priority of an earlier United States application filed 23 October 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 23 April 2009.

On 23 April 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 02 October 2009, applicant filed a petition under 37 CFR 1.47(a).

On 18 December 2009, this Office mailed a decision dismissing the 02 October 2009 petition.

On 09 June 2010, applicant filed a renewed petition under 37 CFR 1.47(a).

On 18 June 2010, this Office mailed a decision dismissing the 09 June 2010 petition.

On 15 July 2010, applicant filed the present response.

DISCUSSION

Upon further consideration, the 09 June 2010 renewed petition should have been dismissed as moot in view of the newfound availability of the previously nonsigning inventor, and the Office should have issued a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) regarding the defective declaration.

CONCLUSION

For the reasons above, the petition filed 09 June 2010 is DISMISSED AS MOOT.

The decision mailed 18 June 2010 is hereby VACATED.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905). Form PCT/DO/EO/905 should indicate that the declaration filed 15 July 2010 is improper for the following reasons: The declaration filed 15 July 2010 contains improper alterations. It is apparent that the declaration page executed by inventor Rami Abouatallah has been altered by changing "Page 2 of 2" to "Page 1 of 2" and by inserting the signature page executed by inventor Todd Simpson. It is not acceptable to combine individual pages (i.e. signature pages) from different copies of a declaration into a single document for submission. Where different copies of a declaration are executed, the complete documents that were executed (or exact photocopies thereof) must be furnished.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



22 SEP 2010

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TOMOKO NAKAJIMA
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In re Application of OISHI et al :
U.S. Application No.: 12/446,888 :
PCT Application No.: PCT/JP2007/069921 :
Int. Filing Date: 12 October 2007 : DECISION
Priority Date Claimed: 24 October 2006 :
Attorney Docket No.: 1015-0050 :
For: THIN FILM FORMING METHOD AND :
THIN FILM FORMING DEVICE :

This is in response to applicant's correspondence filed 12 July 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 12 October 2007, applicant filed international application PCT/JP2007/069921, which claimed priority of an earlier Japan application filed 24 October 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 24 April 2009.

On 23 April 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 01 July 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified a discrepancy with respect to the name of one of the inventors.

On 12 July 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

MPEP 1893.01(e) states in relevant part,

Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition states that the discrepancy regarding the first inventor's name was the result of a typographical error. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 12 October 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 May 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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IRVINE CA 92614

MAILED
DEC 01 2010
PCT LEGAL ADMINISTRATION

In re Application of: JOCHELSON, Phillip :
U.S. Application No.: 12/446,914 : DECISION
PCT No.: PCT/US2007/082569 : (37 CFR 1.497(d))
International Filing Date: 25 October 2007 :
Priority Date: 25 October 2006 :
Attorney's Docket No.: SOMX.028NP :
For: ULTRA LOW DOSE DOXEPIN AND :
METHODS OF USING THE SAME TO :
TREAT SLEEP DISORDERS :

This decision is issued in response to the "Petition To Correct Inventorship" filed on 27 May 2010, treated herein under 37 CFR 1.497(d).¹ Applicant has paid the required \$130 processing fee.

BACKGROUND

On 25 October 2007, applicant filed international application PCT/US2007/082569. The application claimed a priority date of 25 October 2006, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 25 April 2009.

The published international application identified one applicant/inventor for the United States: Phillip JOCHELSON. A declaration executed by Phillip JOCHELSON was filed during the international phase pursuant to PCT Rule 4.17(iv).

On 23 April 2009, applicant filed a submission requesting entry into the national stage in the United States including, among other materials, payment of the basic national fee and an application data sheet (ADS). The ADS identified Phillip JOCHELSON as the sole applicant.

On 01 January 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Insufficient Fees" (Form PCT/DO/EO/923) requiring submission of additional claims fees.

¹ Applicant's petition references 37 CFR 1.48(a); however, where, as here, applicants are seeking to correct inventorship in a U.S. national stage application filed under 35 U.S.C. 371, the applicable regulation is 37 CFR 1.497(d).

On 27 May 2010, applicants filed a response to the Notification Of Insufficient Fees” (with required three-month extension fee). The response included a preliminary amendment to the claims and payment of additional claims fees. The submission also included a revised declaration executed by the inventor of record and a second inventor, Neil B. KAVEY, as well as the “Petition To Correct Inventorship” considered herein under 37 CFR 1.497(d). The petition seeks to add Neil B. KAVEY as an additional applicant of record herein.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicants here have filed a revised declaration that names an inventive entity different than that set forth in the international application and in the declaration filed during the international phase (specifically, Neil B. KAVEY has been added as an additional inventor). Accordingly, applicant must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statement of non-deceptive intent from the person to be added to the application (Neil B. KAVEY), and applicant has paid the required processing fee. Requirements (A) and (B) are therefore satisfied.

With respect to requirement (C), applicants have filed a document entitled “Written Consent Of Assignee To Correction Of Inventorship Under 37 CFR §1.48(a)” in which a representative of assignee Somaxon Pharmaceuticals, Inc (Somaxon) consents to the addition of Neil B. KAVEY as an inventor herein. However, the statement of consent was not accompanied by a statement in compliance with 37 CFR 3.73(b) from the assignee, as also required (see 37 CFR 1.497(d)(3); MPEP section 201.03(II)(D)). Until the required statement in compliance with 37 CFR 3.73(b) is provided, requirement (C) of a grantable request under 37 CFR 1.497(d) is not considered satisfied.

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d) to add Neil B. KAVEY as an additional inventor herein. The request is therefore appropriately dismissed.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record herein remains that set forth in the international application and the declaration filed therein, Phillip JOCHELSON.

The revised declaration filed 27 May 2010, which includes additional inventor Neil B. KAVEY, is unacceptable on the present record for failure to properly identify the inventors of record herein.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request, as discussed above and in the MPEP, that is, an acceptable statement of consent from the assignee (including a properly executed statement in compliance with 37 CFR 3.73(b)).

Failure to file a proper and timely response will result in abandonment of the application. Extensions of time under the provision of 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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Facsimile: (571) 273-0459



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PCT LEGAL ADMINISTRATION

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

| | | |
|--|---|-------------------|
| In re Application of: | : | |
| JOHELSON, Phillip, et al. | : | DECISION |
| U.S. Application No.: 12/446,914 | : | (37 CFR 1.497(d)) |
| PCT No.: PCT/US2007/082569 | : | |
| International Filing Date: 25 October 2007 | : | |
| Priority Date: 25 October 2006 | : | |
| Attorney's Docket No.: SOMX.028NP | : | |
| For: ULTRA LOW DOSE DOXEPIN AND | : | |
| METHODS OF USING THE SAME TO | : | |
| TREAT SLEEP DISORDERS | : | |

This decision is issued in response to the "RENEWED REQUEST UNDER 37 C.F.R. § 1.497(d)" filed 01 February 2011. Applicants have previously submitted the required \$130 processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 01 December 2010. The decision dismissed applicants' request to correct inventorship under 37 CFR 1.497(d), finding that all the requirements of a grantable request were not satisfied. Specifically, applicants had failed to provide the consent of the assignee in the form required under 37 CFR 3.73.

On 01 February 2011, applicants filed the renewed request under 37 CFR 1.497(d) considered herein.

DISCUSSION

The 01 February 2011 submission includes a "Statement Under 37 CFR 3.73(b)" (Form PTO/SB/96) executed on behalf of the assignee, Somaxon Pharmaceuticals. Applicants had previously submitted a statement executed on behalf of the assignee expressly consenting to the addition of Neil B. KAVEY as an additional inventor herein. These materials, in combination, provide the required consent of the assignee in compliance with 37 CFR 3.73. Applicant has therefore now satisfied the final element of a grantable request to correct inventorship under 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record is corrected to add Neil B. KAVEY as an additional inventor herein.

In view of this correction, the declaration filed on 27 May 2010, which names and is executed by the original inventor of record Philip JOCHELSON and added inventor of record Neil B. KAVEY, may now be accepted under 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 27 May 2010.

/RichardMRoss/

Richard M. Ross
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 5,2011

In re Application of :

Michelle Tecco

Application No : 12446946

Filed : 10-Dec-2009

Attorney Docket No : 50172-P001WOUS

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 5,2011

The request is **APPROVED**.

The request was signed by Lekha Gopalakrishnan (registration no. 46733) on behalf of all attorneys/agents associated with Customer Number 61060 . All attorneys/agents associated with Customer Number 61060 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 Michelle Tecco
Name2
Address 1 3411 Preston Road Texas
Address 2 Suite C-13-216
City Frisco
State TX
Postal Code 75034
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

| | | |
|---|---|--|
| Doc Code: PET.AUTO | | PTO/SB/83 |
| Document Description: Petition automatically granted by EFS-Web | | U.S. Patent and Trademark Office Department of Commerce |
| Electronic Petition Request | REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS | |
| Application Number | 12446946 | |
| Filing Date | 10-Dec-2009 | |
| First Named Inventor | Michelle Tecco | |
| Art Unit | 1655 | |
| Examiner Name | | |
| Attorney Docket Number | 50172-P001WOUS | |
| Title | Methods and Compositions for Treatment of Skin Conditions | |
| <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: | | 61060 |
| The reason(s) for this request are those described in 37 CFR: 10.40(b)(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 | Michelle Tecco | |
| Address | 3411 Preston Road Texas Suite C-13-216 | |
| City | Frisco | |
| State | TX | |
| Postal Code | 75034 | |
| Country | US | |

| | |
|--|------------------------|
| I am authorized to sign on behalf of myself and all withdrawing practitioners. | |
| Signature | /Lekha Gopalakrishnan/ |
| Name | Lekha Gopalakrishnan |
| Registration Number | 46733 |



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ALEXANDRIA, VA 22313-1450
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BEEM PATENT LAW FIRM
53 W. JACKSON BLVD., SUITE 1352
CHICAGO, IL 60604-3787

Applicant: Barta, et al.
Appl. No.: 12/446,957
International Filing Date: October 29, 2007
Title: GAMBLING APPARATUS AND METHD
Attorney Docket No.: 0398-0001
Pub. No.: US 2010/0035680 A1
Pub. Date: February 11, 2010

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JAN 07 2011
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b) or (a), received on April 7, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the Office published the specification and claims from the priority document and not the specification and claims from the U.S. national stage application.

37 CFR 1.221 (b) is applicable “only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor with respect to the improper preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the improperly submitted substitute specification and preliminary amendment. The application published with the application as initially filed, which is the international application. The international application is not an earlier application, it is the application. Applicant did not file an amendment in compliance with 37 CFR 1.121.

Applicant entered the national stage from an international application, thus the application is the international application. See MPEP 1893 Also see below from the PCT Applicant’s Guide:

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

2.001. What is the national phase? The national phase is the second of the two main phases of the PCT procedure. It follows the international phase and consists in the processing of the international application before each Office of or acting for a Contracting State that has been designated in the international application (see International Phase). In each designated State the international application has the effect of a national (or regional) application as from the international filing date, and the decision to grant protection for the invention is the task of the Office of or acting for that State (the “designated Office”). The national phase of processing the international application by the designated Office is generally delayed until the termination of the international phase on the expiration of the time limits indicated in paragraphs 3.001 and 3.002.

http://www.wipo.int/pct/en/guide/np02.html#_chapt2

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants’ request for a corrected patent application publication on April 5, 2010, 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/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication”.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

MAILED
JUL 01 2011
OFFICE OF PETITIONS

Applicant: philps, et al.
Appl. No.: 12/447,011
International Filing Date: September 25, 2007
Title: PTERIDINE DERIVATIVE AS POLO-LIKE KINASE INHIBITORS USEFUL IN THE TREATMENT OF CANCER
Attorney Docket No.: 006029.00054
Pub. No.: US 2010/0004250 A1
Pub. Date: January 7, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 23, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein two of the inventors' names are spelled incorrectly.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication received on November 23, 2010, was not timely filed under 37 CFR 1.221(b).

Furthermore, the error noted by requestor wherein two of the inventors name, "Oliver James Philps and David Festur Charles Moffat" were printed incorrectly on the front page of the publication (Philps was printed as Philips, which is how it appears in the ADS filed with the

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application and Charles is missing from the fourth inventors name) in both cases are not material Office errors. The misprint and/or omission of an inventor's name do not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

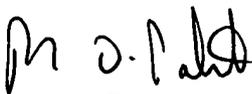
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



09 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
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AIR LIQUIDE USA LLC
Intellectual Property
2700 POST OAK BOULEVARD, SUITE 1800
HOUSTON TX 77056

In re Application of: BEHRENDTS, Sabine, et al. :
U.S. Application No.: 12/447,024 :
PCT No.: PCT/EP2007/061363 : DECISION ON REQUEST UNDER
International Filing Date: 23 October 2007 : 37 CFR 1.497(d)
Priority Date: 31 October 2006 :
Attorney's Docket No.: 7319 :
For: ANTIMICROBIALY ACTIVE :
COMPOSITION HAVING A :
CONTENT OF BISPYRIDIUM :
ALKANE (OCENTIDINE :
DIHYDROCHLORIDE) :

This decision is issued in response to the "Petition To Correct Inventorship Pursuant To 37 CFR 1.497" filed 29 April 2010, treated herein under 37 CFR 1.497(d). Applicants have paid the required processing fee.

BACKGROUND

On 23 October 2007, applicants filed international application PCT/EP2007/061363. The application claimed a priority date of 31 October 2006, and it designated the United States. On 08 May 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 April 2009. The published international application identified five applicant/inventors for the United States, including Joachim THIEDE.

On 24 April 2009, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 31 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance 37 CFR 1.497.

On 29 April 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee) including a declaration executed by four of the five inventors of record and the "Petition To Correct Inventorship Pursuant To 37 CFR 1.497"

considered herein. The petition seeks to remove Joachim THIEDE as an inventor of record and thereby permit acceptance of the accompanying declaration.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicant has filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Joachim THIEDE has been removed as an inventor). Accordingly, applicant must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicants' present submission includes the required statement of non-deceptive intent from the person to be removed as an inventor, and applicants have paid the required processing fee. Requirements (A) and (B) are therefore satisfied. However, applicants have not submitted the written consent of the assignee to the requested change in inventorship or a statement confirming that no such assignee exists. Requirement (C) is therefore not satisfied.¹

Based on the above, applicant has failed to submit all the requirements of a grantable request to correct inventorship under 37 CFR 1.497(d). Accordingly, the request to remove Joachim THIEDE as an inventor of record is appropriately dismissed.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Joachim THIEDE remains an inventor of record in the present application.

In view of the above, the declaration filed 29 April 2010, which does not include current inventor of record Joachim THIEDE, is defective on the present record for failure to properly identify the inventors of record. It is also noted that the English/German/French declaration

¹ It is noted that the consent of the assignee must be submitted in compliance with 37 CFR 3.73(b).

form used by applicants is not a form issued by the USPTO. Accordingly, applicants must provide a statement confirming that the translation in the declaration form is accurate. See 37 CFR 1.69

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request, as discussed above and in the MPEP, that is, the written consent of the assignee to the proposed change of inventorship (in the form required by 37 CFR 3.73(b)).

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Richard M. Ross
Attorney Advisor
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Telephone: (571) 272-3296
Facsimile: (571) 273-0459



30 AUG 2010

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AIR LIQUIDE USA LLC
Intellectual Property
2700 POST OAK BOULEVARD, SUITE 1800
HOUSTON TX 77056

| | | |
|--|---|---------------------|
| In re Application of: | : | |
| BEHRENDTS, Sabine, et al. | : | |
| U.S. Application No.: 12/447,024 | : | DECISION ON RENEWED |
| PCT No.: PCT/EP2007/061363 | : | REQUEST UNDER |
| International Filing Date: 23 October 2007 | : | 37 CFR 1.497(d) |
| Priority Date: 31 October 2006 | : | |
| Attorney's Docket No.: 7319 | : | |
| For: ANTIMICROBIALY ACTIVE | : | |
| COMPOSITION HAVING A | : | |
| CONTENT OF BISPYRIDIUM | : | |
| ALKANE (OCENTIDINE | : | |
| DIHYDROCHLORIDE) | : | |

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed 17 August 2010. Applicants have previously paid the applicable processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 09 August 2010. The decision dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d), indicating that applicants had not satisfied all the requirements of a grantable request. Specifically, applicants had not submitted the required consent of the assignee.

On 17 August 2010, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The renewed request under 37 CFR 1.497(d) includes a document entitled "Consent Of Assignee Under 37 CFR 1.48" stating that the assignee of the present application, AIR LIQUIDE SANTE (INTERNATIONAL) consents to the requested removal of Joachim THIEDE as an inventor herein. However, as set forth in the previous decision, the assignee's consent must be submitted in compliance with 37 CFR 3.73(b). See 37 CFR 1.497(d)(3); MPEP section 201.03(II)(D).

The "Consent Of Assignee Under 37 CFR 1.48" filed by applicants here does not satisfy the requirements of 37 CFR 3.73(b)(1). Specifically, applicants did not provide either (a) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is, submitted for recordation pursuant to 37 CFR 3.11; or (b) a statement specifying, by reel and frame number, where such evidence is recorded in the Office, as required under 37 CFR 3.73(b)(1). See MPEP section 324(II), Form PTO/SB/96. In addition, the person who executed the statement of consent does not expressly state that she "is authorized (or empowered) to act on behalf of the assignee," nor does she have a stated title which provides her with apparent authority to act on behalf of the assignee. Accordingly, the statement is not considered properly executed on behalf of the assignee. See MPEP section 324 (V).

Because the consent of the assignee has not been provided in compliance with the requirements of 37 CFR 3.73(b)(1), the "Consent Of Assignee Under 37 CFR 1.48" filed here is not sufficient to satisfy the final requirement of a grantable request to correct inventorship under 37 CFR 1.497(d). The final element of a grantable request under 37 CFR 1.497(d) therefore remains unsatisfied.

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Joachim THIEDE remains an inventor of record in the present application.

The declaration filed 29 April 2010, which does not include current inventor of record Joachim THIEDE, remains defective on the present record for failure to properly identify the inventors of record.¹

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable petition, as discussed above and in the MPEP, that is, a properly executed statement of consent of the assignee to the requested change of inventorship, submitted with the materials required under 37 CFR 3.73(b)(1).

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

¹ The previous decision indicated that, pursuant to 37 CFR 1.69, a statement confirming that the translation contained in the declaration form was accurate. It is noted that the present renewed petition includes a statement confirming that the translation is accurate.

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



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AIR LIQUIDE USA LLC
Intellectual Property
2700 POST OAK BOULEVARD, SUITE 1800
HOUSTON TX 77056

MAILED

NOV 26 2010

PCT LEGAL ADMINISTRATION

In re Application of: :
BEHREND, Sabine, et al. :
U.S. Application No.: 12/447,024 :
PCT No.: PCT/EP2007/061363 :
International Filing Date: 23 October 2007 :
Priority Date: 31 October 2006 :
Attorney's Docket No.: 7319 :
For: ANTIMICROBIALY ACTIVE :
COMPOSITION HAVING A :
CONTENT OF BISPYRIDIUM :
ALKANE (OCENTIDINE :
DIHYDROCHLORIDE) :

DECISION ON SECOND
RENEWED REQUEST UNDER
37 CFR 1.497(d)

This decision is issued in response to applicants' "Second Renewed Request Under 37 CFR 1.497(d)" filed 29 October 2010. Applicants have previously paid the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed 09 August 2010 and 30 August 2010. The decisions dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d), finding that applicants had failed to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the required consent of the assignee in an acceptable form.

On 29 October 2010, applicants filed the "Second Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The second renewed petition includes the written consent of assignee Air Liquide Sante to the requested change of inventorship, accompanied by a properly executed "Statement Under 37 CFR 3.73(b)" (Form PTO/SB/96). This submission provides the required consent of the assignee in compliance with 37 CFR 3.73(b). Accordingly, applicants have now satisfied the final outstanding requirement for a grantable request to correct inventorship under 37 CFR 1.497(d). The requested removal of Joachim THIEDE as an inventor of record in the present application is therefore appropriately granted.

Based on the above correction, the declaration filed 29 April 2010 is now acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to remove Joachim THIEDE as an inventor of record herein.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 April 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459



LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield NJ 07090

MAILED
FEB 03 2011
PCT LEGAL ADMINISTRATION

In re Application of :
CHO et al. :
Application No.: 12/447,042 :
PCT No.: PCT/KR2007/005125 :
Int. Filing Date: 19 October 2007 :
Priority Date: 25 October 2006 :
Attorney Docket No.: LGCHEM 3.3-100 :
For: NON-AQUEOUS ELECTROLYTE AND :
ELECTROCHEMICAL DEVICE :
COMPRISING THE SAME :

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 16 September 2010.

BACKGROUND

On 19 October 2007, applicants filed international application PCT/KR2007/005125 which claimed a priority date of 25 October 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 May 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired on 25 April 2009.

On 24 April 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and an application data sheet.

On 24 June 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 September 2010, applicants filed a declaration executed by four of the five joint-inventors and a petition under 37 CFR 1.47(a). The petition seeks acceptance of the application without the signature of joint-inventor, Su-Jin Yoon.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

Regarding item (2) above, petitioner states that Su-Jin Yoon cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47. Such a petition will be dismissed as inappropriate.

The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

A review of the present petition reveals that applicants have not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventor, Su-Jin Yoon. Petitioner states that a copy of the application papers were sent (via email and certified mail) to Su-Jin Yoon and that the mailing was returned to sender as undeliverable. However, petitioner fails to include evidence of any other attempts made to locate the nonsigning inventor. The mailing of the papers to the nonsigning inventor's last known address (and email address) does not constitute a "diligent" effort to locate the inventor. Applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate Su-Jin Yoon. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter

of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

For the above reasons, it would not be appropriate to accept this application without the signature of Su-Jin Yoon at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
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LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield NJ 07090

MAILED

MAY 23 2011

PCT LEGAL ADMINISTRATION

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|-------------------------------------|---|----------------------|
| In re Application of | : | |
| CHO et al. | : | |
| Application No.: 12/447,042 | : | DECISION ON PETITION |
| PCT No.: PCT/KR2007/005125 | : | UNDER 37 CFR 1.47(a) |
| Int. Filing Date: 19 October 2007 | : | |
| Priority Date: 25 October 2006 | : | |
| Attorney Docket No.: LGCHEM 3.3-100 | : | |
| For: NON-AQUEOUS ELECTROLYTE AND | : | |
| ELECTROCHEMICAL DEVICE . | : | |
| COMPRISING THE SAME | : | |

This decision is issued in response to applicants' "Request to Dismiss Petition as Moot in View of Receipt and Submission of Executed Declarations" filed 29 March 2011. In a decision dated 03 February 2011, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Su-Jin Yoon, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 29 March 2011 with the present petition was executed by the named inventor, the previous non-signing inventor, Su-Jin Yoon. The declaration filed 29 March 2011 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED as MOOT.**

The application has an international filing date of 19 October 2007 under 35 U.S.C. 363 and a date of 29 March 2011 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/447,042 | 03/29/2011 | Jeong-Ju Cho | LGCHEM 3.3-100 | 1957 |
| 86765 | 7590 | 11/10/2011 | EXAMINER | |
| LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090 | | | GRESO, AARON J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1726 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 11/10/2011 | 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.

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NOV 10 2011

BC

In re application of : DECISION ON REQUEST TO
Jeong-Ju Cho et al. : PARTICIPATE IN PATENT
Serial No. 12/447,042 : PROSECUTION HIGHWAY
Filed: April 24, 2009 : PROGRAM AND
Attorney Docket No: LGCHEM 3.2-100 : PETITION TO MAKE SPECIAL
: UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 15, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KIPO application(s);
 - b. An English translation of the allowable/ patentable claim(s); and
 - c. A statement that the English translation is accurate;
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of:
 - a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

Application No. 12/447,042

- b. An English language translation of the KIPO Office actions from (5)(a) above;
and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/447,050 | 04/24/2009 | Pil-Kyu Park | LGCHEM 3.3-095 | 1011 |
| 86765 | 7590 | 03/21/2011 | EXAMINER | |
| LGCHEM Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West Westfield, NJ 07090 | | | LEONG, JONATHAN G | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1725 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 03/21/2011 | ELECTRONIC |

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| In re application of | : | DECISION ON REQUEST TO |
| Pil-Kyu Park et al | : | PARTICIPATE IN PATENT |
| Serial No. 12/447,050 | : | PROSECUTION HIGHWAY |
| Filed: April 24, 2009 | : | PROGRAM AND |
| For: ELECTROCHEMICAL DEVICE AND | : | PETITION TO MAKE SPECIAL |
| ITS MANUFACTURING METHOD | : | UNDER 37 CFR 1.102(a) |
| | : | |

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed January 5, 2011.

The request and petition are **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 KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
 - b. Submit a claims correspondence table in English;

Application No. 12/447,050

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

(6) Applicant must submit:

- c. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- d. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The following reference was cited in the Grant of Patent by the KIPO, however this reference has not been listed on an IDS in the present application: KR 1020010015725.

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s).

Claim 4 of the present application recites the phrase " $0 < y < 0.5$ ", whereas claim 4 of the KIPO application includes the symbol " \leq " between the "0" and "y".

Application No. 12/447,050

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 12/447,050 | 04/24/2009 | Pil-Kyu Park | LGCHEM 3.3-095 | 1011 |
| 86765 | 7590 | 04/15/2011 | EXAMINER | |
| LGCHEM | | | LEONG, JONATHAN G | |
| Lerner, David, Littenberg, Krumholz & Mentlik, LLP | | | ART UNIT | PAPER NUMBER |
| 600 South Avenue West | | | 1725 | |
| Westfield, NJ 07090 | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 04/15/2011 | ELECTRONIC |

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APR 15 2011

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| In re application of | : | DECISION ON REQUEST TO |
| Pil-Kyu Park et al | : | PARTICIPATE IN PATENT |
| Serial No. 12/447,050 | : | PROSECUTION HIGHWAY |
| Filed: April 24, 2009 | : | PROGRAM AND |
| For: ELECTROCHEMICAL DEVICE AND | : | PETITION TO MAKE SPECIAL |
| ITS MANUFACTURING METHOD | : | UNDER 37 CFR 1.102(a) |

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed on April 5, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
 - b. Submit a claims correspondence table in English;

Application No. 12/447,050

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 12/447,209 | 04/24/2009 | Toshiaki Yamamoto | 056819-5015 US | 1880 |
| 9629 | 7590 | 01/26/2011 | EXAMINER | |
| MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004 | | | YAO, KWANG BIN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2473 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 01/26/2011 | PAPER |

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of: YAMAMOTO, TOSHIAKI
et al.
Application No. 12447209
Filed: April 24, 2009
For: WIRELESS TERMINAL APPARATUS
AND WIRELESS BASE STATION
APPARATUS

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d) **MAILED**

JAN 26 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 4, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

- (2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English; and (c) a statement that the English translation is accurate.
- (3) 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 Applicant must submit a claim correspondence table in English.

(4) Examination of the U.S. application has not begun.

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

(6) Applicant must submit (a) an IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and (b) copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are in compliance with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400



22 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
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In re Application of :
FOOTE, Brian :
U.S. Application No.: 12/447,275 :
PCT No.: PCT/GB2007/050659 :
Int. Filing Date: 29 October 2007 :
Priority Date: 28 October 2006 :
Attorney's Docket No.: 1026/31US :
For: TRACTION DEVICE :

DECISION

The decision is in response to the petition under 37 CFR 1.47(b) submitted on 08 June 2010.

BACKGROUND

On 08 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Petitioner was given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 08 June 2010, the 37 CFR 1.47(b) applicant submitted the instant petition which was accompanied by, *inter alia*, a \$130.00 petition fee; a four-month extension and fee; an affidavit by Ian Reed; a declaration signed by Mr. Reed; a legal memorandum; a copy of an assignment; and other documentary evidence in support of the petition.

DISCUSSION

The 37 CFR 1.47(b) applicant claims that the legal representative of the sole inventor, Brian FOOTE refuses to cooperate and have filed the subject petition in response to the Form PCT/DO/EO/905.

A petition under 37 CFR 1.47(b) requires (1) the petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be located, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or

to prevent irreparable damage.

Items (1), (3) and (6) are satisfied in the initial petition.¹

With regards to item (5), the 37 CFR 1.47(b) applicant claims proprietary interest obtained other than by assignment, or an agreement to assign and have submitted a legal memorandum to that effect. Petitioners provided copies of tax records and employment documents showing payments to Mr. Foote from Promedics Ltd. Petitioners also submitted a copy of an assignment from Promedics Ltd. to Medica Surgical Innovations, Ltd. showing the transfer of the above-identified application.

A review of the evidence shows that Mr. Robert Ean Davies states in his legal memorandum that Medica Surgical Innovations, Ltd. enjoys full right and title to the present invention since Mr. Foote was an employee of the originally named applicant, (Promedics Ltd.) at the time the invention was made, and the invention was made in the normal course of his duties.

This is sufficient to satisfy item (5) of 37 CR 1.47(b).

However, items (2) and (4) of 37 CFR 1.47(b) are not satisfied in the petition.

Concerning item (2), the 37 CFR 1.47(b) applicant provided an affidavit of Mr. Ian Reed who states that he personally spoke by telephone with Ms. Patricia Foote on 08 January 2010 and 17 January 2010 and requested that she sign the declaration on behalf of the deceased inventor. Ms. Foote directed Mr. Reed to contact her attorney, Mr. Edward Jackson. Mr. Reed states that he talked to Mr. Jackson on 27 April 2010 and was advised that "she will not be signing anything."

A refusal to join is discussed in MPEP § 409.03(d)(II), which states, in relevant part:

A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . .

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support

¹ Applicant submitted a \$130.00 petition fee which has been refunded. The petition fee is \$200.00 pursuant to 37 CFR 1.17(g) which has been charged to Deposit Account No. 50-4137 as authorized. The last known address of the legal representative of the inventor was provided in the petition. A statement of irreparable damage was provided in the affidavit of Mr. Ian Reed.

of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.

Here, there is no evidence that a copy of the application papers were sent to Patricia Foote, or Mr. Edward Jackson. For a refusal to cooperate, the 37 CFR 1.47(b) applicant must provide a complete copy of the subject application (including specification, claims and drawings) to Ms. Foote, or her counsel. Documentary evidence showing such a submission should also be submitted.

For this reason, item (2) of 37 CFR 1.47(b) is not satisfied.

Regarding item (4), the 37 CFR 1.47(b) applicant provided a declaration signed by Mr. Ian Reed on behalf of the legal representative of a nonsigning inventor.

As indicated in the affidavit, Mr. Reed is the Managing Director of the 37 CFR 1.47(b) applicant, Medica Surgical Innovations, Ltd. The position of Director in a foreign corporation is presumed to have the authority to sign for the organization. See MPEP § 324. However, the declaration is unacceptable for the following reasons.

Mr. Reed is signing the declaration as an officer of the 37 CFR 1.47(b) applicant, but fails to state that on the declaration. See MPEP § 409.03(b)(A). Moreover, the declaration does not meet the requirements of 37 CFR 1.497(b)(2). The declaration must state that Patricia Foote is the legal representative of the deceased inventor and provide her citizenship, residence and mailing address, as well as listing the name and citizenship of the deceased inventor.

For these reasons, item (4) of 37 CFR 1.47(b) is also not satisfied.

CONCLUSION

Applicant's petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT

12/447,275

Page

4

Legal Administration.

A handwritten signature in black ink that reads "James Thomson". The signature is written in a cursive style with a large, looping initial "J".

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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MAILED

MAR 24 2011

PCT LEGAL ADMINISTRATION

In re Application of :
FOOTE, Brian :
U.S. Application No.: 12/447,275 :
PCT No.: PCT/GB2007/050659 :
Int. Filing Date: 29 October 2007 :
Priority Date: 28 October 2006 :
Attorney's Docket No.: 1026/31US :
For: TRACTION DEVICE :

DECISION

The decision is in response to the renewed petition under 37 CFR 1.47(b) filed on 24 January 2011.

BACKGROUND

On 22 September 2010, a decision dismissing applicant's petition under 37 CFR 1.47(b) was mailed. Applicant was given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 24 January 2011, the 37 CFR 1.47(b) applicant submitted a renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a two-month extension and \$245.00 extension fee; a declaration executed by the 37 CFR 1.47(b) applicant on behalf of the nonsigning legal representative of a deceased inventor; an affidavit by Ian Reed; and documentary evidence in support of the petition.

DISCUSSION

The 37 CFR 1.47(b) applicant claims that the legal representative (Patricia Foote) of the sole inventor, Brian FOOTE refuses to cooperate. Mr. FOOTE died on or around June 2009.

As previously noted, a petition under 37 CFR 1.47(b) requires (1) the petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be located, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), (5) and (6) were previously satisfied.

Concerning item (2), the 37 CFR 1.47(b) applicant failed to show that a copy of the application papers were sent to Patricia Foote, or her attorney, Mr. Edward Jackson in the initial petition. In the renewed petition, the 37 CFR 1.47(b) applicant provided a supplemental affidavit of Ian Reed dated 23 January 2011. Mr. Reed recounts the steps previously discussed regarding his actions to obtain the signature of Mrs. Foote and adds that he forwarded a complete copy of the subject application to Mrs. Foote on 23 November 2010. A copy of these documents were also sent to Mr. Jackson by email. A copy of the cover letter and postal receipt were provided in the petition.

A review of the evidence shows that the documents were delivered to Mrs. Foote on 24 November 2010. Mr. Reed states that he has not received any response from either Mrs. Foote or Mr. Jackson. The lack of response constitutes a refusal by conduct as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(b) is satisfied.

Regarding item (4), the declaration provided in the initial petition did not meet the requirements of MPEP § 409.03(b)(A), or 37 CFR 1.497(b)(2). In the renewed petition, the 37 CFR 1.47(b) applicant provided a new declaration signed by Ian Reed as the Managing Director of the 37 CFR 1.47(b) applicant. This information is listed on the declaration. As previously noted, the position of Director in a foreign corporation is presumed to have the authority to sign for the organization. See MPEP § 324. Moreover, the declaration lists the citizenship, residence and mailing address of the legal representative as required by 37 CFR 1.497(b)(2).

This declaration satisfies the requirements of MPEP § 409.03(b)(A) and is in compliance with 37 CFR 1.497(a) and (b). Item (4) of 37 CFR 1.47(b) is also satisfied.

All of the requirements of 37 CFR 1.47(b) are complete.

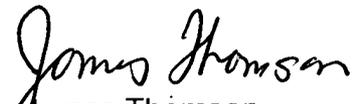
CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(b) is hereby **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing legal representative at the last known address of record and a notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 29 October 2007 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 24 January 2011.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing



James Thomson

James Thomson
Attorney Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Patricia Foote
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In re Application of
FOOTE, Brian
U.S. Application No.: 12/447,275
PCT No.: PCT/GB2007/050659
Int. Filing Date: 29 October 2007
Priority Date: 28 October 2006
Attorney's Docket No.: 1026/31US
For: TRACTION DEVICE

MAILED

MAR 24 2011

PCT LEGAL ADMINISTRATION

Mrs. Foote:

You are named as the legal representative of the (deceased) inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, your deceased husband will be designated as an inventor.

As a named legal representative, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.



James Thomson
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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.

Magdalene Talley

For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Andrew Wilford
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P.O. Box 900
Bronx, NY 10471-0900

MD/mt



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MAILED Paper No.

AUG 15 2011

OFFICE OF PETITIONS

KF ROSS PC
311 East York Street
Savannah GA 31401

In re Application of :
Aengenvoort et al. :
Application No. 12/447,285 :
In re Patent No. 7,942,180 : DECISION ON PETITION
Filing Date: April 27, 2009 : PURSUANT TO 37 C.F.R.
Issue Date: May 17, 2011 : § 3.81(B)
Attorney Docket Number: 24339 :
Title: APPARATUS FOR APPLYING :
GLUE TO FIBERS FOR MAKING :
FIBERBOARD :

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b), filed July 19, 2011, to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

The petition is **GRANTED**.

With this petition, Petitioner requests that a Certificate of Correction be issued to correct the assignee information that appears on the face of the patent. Petitioner has requested that the name of the Assignee should be changed from "SIEMPELKAMP MASCHINEN- UND ANLAGENBAW (emphasis added) GMBH & CO. KG" to "SIEMPELKAMP MASCHINEN- UND ANLAGENBAU GMBH & CO. KG."

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

Petitioner has set forth that the assignment was submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent, and Office records confirm that an assignment was received in the Office on April 27, 2009, listing "SIEMPELKAMP MASCHINEN- UND ANLAGENBAU GMBH & CO. KG" as the Assignee.

Payment of the required \$130 processing fee is acknowledged. The \$100 certificate of correction fee has been charged to Deposit Account No. 18-2025.

The Certificates of Correction Branch will be notified of this decision so that the requested Certificate of Correction can be issued, correcting the Assignee information to "SIEMPELKAMP MASCHINEN- UND ANLAGENBAU GMBH & CO. KG."

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 756-1814.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions



Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington VA 22203

MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

In re Application of :
DE ROOS et al. :
U.S. Application No.: 12/447,332 :
PCT No.: PCT/EP2007/061701 :
Int. Filing Date: 30 October 2007 : **DECISION ON PETITION**
Priority Date: 02 November 2006 : **(37 CFR 1.182)**
Attorney Docket No.: BHD-4662-1123 :
For: PEPTIDES CONTAINING :
TRYPTOPHAN :

This decision is issued in response to applicants' "Response to and Request (Petition) for Withdrawal of Erroneously Issued Notification of Missing Requirements under 35 U.S.C. 371" filed 14 January 2010 and applicants' "Petition for Withdrawal of Erroneously Issued Notification of Abandonment and Request for Correction of the Official Record" filed 29 November 2010. The petition, treated herein under 37 CFR 1.182, seeks to correct the bibliographic data (international application number) for the national stage application papers filed 27 April 2009, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2007/061701. Deposit Account No. 14-1140 will be charged the required \$400 petition fee, as explained below.

BACKGROUND

On 30 October 2007, applicant filed international application PCT/EP2007/061701, which claimed a priority date of 02 November 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 02 May 2009.

On 27 April 2009, applicant filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 12/447,332.

The materials filed 27 April 2009 included a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/EP2007/061701, filed 30 October 2007. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/EP2007/061401 (PCT/EP07/61401). Thus, applicants' 27 April 2009 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/EP2007/061701 and PCT/EP2007/061401.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/EP2007/061401, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 14 December 2009, the USPTO mailed a Notification Of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the translation of the international application was required. Additionally, the notification indicated that the "transmittal letter and the electronic acknowledgement receipt identifies two different PCT numbers." The notification set a two-month time limit in which to respond. (The Notification indicated the application as a national stage of PCT/EP2007/061401.)

On 14 January 2010, applicant filed "Response to and Request (Petition) for Withdrawal of Erroneously Issued Notification of Missing Requirements under 35 U.S.C. 371."

On 22 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 14 January 2010 within the time period set therein.

On 29 November 2010, applicant filed "Petition for Withdrawal of Erroneously Issued Notification of Abandonment and Request for Correction of the Official Record."

DISCUSSION

Applicant states in the present petition that the United States Patent and Trademark Office entered the incorrect bibliographic data (international application number) for the above-identified application. Applicant's assertion is incorrect. The EFS Web Electronic Acknowledgment Receipt generated at the time filing clearly indicated that applicant (EFS-Web filer) identified the international application as PCT/EP2007/061401. Applicant's entry of PCT/EP2007/061401 during the electronic filing process has caused the present application file to be initiated as a national stage of PCT/EP2007/061401. Moreover, due to the conflicting instructions in the 27 April 2009 filing, the U.S. basic national fee filed on 27 April 2009 cannot, on the present record, be treated as having been directed to PCT/EP2007/061701 (as necessary to avoid abandonment of such application).

As noted above, correction of this error is required before the materials filed 27 April 2009 can be treated as having been directed to international application PCT/EP2007/061701, as necessary to avoid abandonment of the international application with respect to the United States. Here, applicants confirm that the correct international application is PCT/EP2007/061701 and the petition further states that the correct international application number was listed on the Transmittal Letter filed 27 April 2009. Applicants' present submission included the authorization to charge counsel's Deposit Account the required petition fee to correct applicant's error. Accordingly, these materials

satisfy the requirements for a grantable petition to correct applicants' error in the bibliographical data filed 27 April 2009 and to permit such materials to be treated as having been directed to international application PCT/EP2007/061701.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed on 22 November 2010, based on the purported failure to file an English translation of the international application, is therefore appropriately VACATED.

The materials filed 27 April 2009 have been assigned U.S. application number 12/447,332, and will be treated as the national stage of PCT/EP2007/061701.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.



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