

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Attorney Docket No.: 1163-0709PUS1

Application No:	12/447,352	Filing date:	April 27, 2009
First Named Inventor:	Takayoshi CHIKURI		

Title of the Invention: VOICE RECOGNITION SYSTEM

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2007/069479 _____

The international date of the corresponding PCT application(s) is/are: October 4, 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]

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
563414WO01

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2007/069479

International filing date (day/month/year)
04.10.2007

Priority date (day/month/year)
15.12.2006

International Patent Classification (IPC) or both national classification and IPC

Applicant
Mitsubishi Electric Corporation

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2007/069479

Box No. I	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of:</p> <p><input checked="" type="checkbox"/> the international application in the language in which it was filed</p> <p><input type="checkbox"/> 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)).</p>
2.	<p><input type="checkbox"/> 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))</p>
3.	<p>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:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> on paper</p> <p><input type="checkbox"/> in electronic form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed</p> <p><input type="checkbox"/> filed together with the international application in electronic form</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search</p>
4.	<p><input type="checkbox"/> 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.</p>
5.	<p>Additional comments:</p>

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2007/069479

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>1-5</u> YES
	Claims _____ NO
Inventive step (IS)	Claims <u>1-5</u> YES
	Claims _____ NO
Industrial applicability (IA)	Claims <u>1-5</u> YES
	Claims _____ NO
2. Citations and explanations:	
<p>Claims 1-5</p> <p>None of the documents cited in the ISR describes an in-car voice recognition device provided with a genre database in which a vocabulary to be subjected to a search is stored per genre, such device being provided with a first voice recognition dictionary that recognizes a vocabulary in a genre to be subjected to a search in the genre database; a second voice recognition dictionary that recognizes a vocabulary in a genre not to be subjected to a search in the genre database; a voice recognition unit that checks "inputted uttered data" against the "first voice recognition dictionary and second voice recognition dictionary" so as to recognize a voice uttered; a dialogue control unit that outputs as a presenting information a message indicating that, in a case where a word sent from the voice recognition unit as a recognition result is a word that has been obtained as a result of matching a vocabulary contained in the second voice recognition dictionary, the word is not in a genre to be subjected to a search; and a presenting unit that presents the presenting information sent from the dialogue control unit to the outside, nor would this matter be obvious to a person skilled in the art.</p>	

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2007/069479

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 3 states "... returned from the aforementioned searching unit in response to such instructions"; however, there is no indication of "searching unit" prior to the above statement.



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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.
12/447,352	04/27/2009	Takayoshi Chikuri	1163-0709PUS1	3181

2292 7590 07/13/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

DORVIL, RICHEMOND

ART UNIT	PAPER NUMBER
2626	

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):

mailroom@bskb.com



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

In re Application of	: DECISION ON REQUEST TO
Takayoshi CHIKURI	: PARTICIPATE IN THE PATENT
Application No.: 12/447,352	: PROSECUTION HIGHWAY
Filed: 27 April 2009	: PROGRAM AND PETITION
Attorney Docket No.: 1163-0709PUS1	: TO MAKE SPECIAL UNDER
For: VOICE RECOGNITION SYSTEM	: 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 June 1011, 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) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (3).

Regarding the requirement of condition (3), applicant has failed to submit a translation of the claims from the PCT application that have novelty, inventive step, and industrial applicability and provide a statement that the translation is accurate.

Regarding the requirement of condition (4), it cannot be determined if condition (4) is met since condition (3) has not 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 Lee W. Young at 571-272-4549.

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



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

Docket No.: 1163-0709PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Takayoshi CHIKURI

Application No.: 12/447,352

Confirmation No.: 3181

Filed: April 27, 2009

Art Unit: 2626

For: VOICE RECOGNITION SYSTEM

Examiner: DORVIL,
RICHEMOND

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

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

Sir:

In response to the July 13, 2011 dismissal of Applicant's requests of June 24, 2011 to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) with the Japan Patent Office (JPO), Applicant hereby replies with suitable material to fully satisfy the original request for PCT-PPH.

The dismissal indicates that the PCT-PPH program request and petition are deficient because a translation of the claims from the PCT application and a statement confirming that the English translation is accurate have not been submitted.

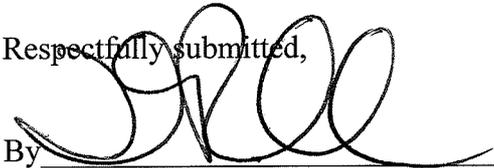
Applicant respectfully submits herewith an English translation of the claims from the PCT application and a Statement confirming the English translation is accurate. Therefore, Applicant believes that all the documents required under the PCT-PPH Program have now been properly submitted. In view of this, Applicant hereby respectfully requests reconsideration of the Decision of July 13, 2011 and grant of Applicant's PCT-PPH Request and Petition.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson, Registration No. 40439 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: August 12, 2011

Respectfully submitted,

By 

D. Richard Anderson
Registration No.: 40439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachments: Translation of the Claims
Statement

S T A T E M E N T

International Application No.PCT/JP2007/069479

I, Hideaki TAZAWA, a Japanese citizen of c/o Sanno Patent Office, Akasaka Sanno Center Bldg. 5F, 12-4, Nagata-cho 2-chome, Chiyoda-ku, Tokyo, Japan, do hereby solemnly and sincerely declare as follows:

1. I am well acquainted with both the Japanese language and the English language.
2. I personally made the following translation.
3. The following is a true translation into the English language of the claim(s) from the PCT application No. PCT/JP2007/069479 which was filed on October 4, 2007.

And I make this solemn declaration conscientiously believing the same to be true.

This 29th day of July, 2011



Hideaki TAZAWA

請求の範囲

【請求項1】

検索対象とされる語彙がジャンル毎に格納されたジャンルデータベースを備えた車載機器用の音声認識装置であって、

発話された音声を電気信号に変換し、発話データとして出力するマイクロフォンと、

前記ジャンルデータベースで検索対象とされるジャンルの語彙を認識するための第1音声認識辞書と、

前記ジャンルデータベースで検索対象外とされるジャンルの語彙を認識するための第2音声認識辞書と、

前記マイクロフォンから送られてくる発話データと前記第1音声認識辞書および前記第2音声認識辞書に含まれる語彙とを照合することにより、発話された音声を認識する音声認識部と、

前記音声認識部から認識結果として送られてくる語が、前記第2音声認識辞書に含まれる語彙と照合することにより得られた語である場合は、検索対象とされるジャンルの語でない旨を表すメッセージを提示情報として出力する対話制御部と、

前記対話制御部から送られてくる提示情報を外部に提示する提示部とを備えた音声認識装置。

【請求項2】

検索対象とされる語彙を名称別に格納した名称データベースと、

対話制御部から送られてくる語を検索キーとして前記名称データベースを検索し、該検索により得られた前記検索キーを名称に含む語を前記対話制御部に返す検索部を備え、

前記対話制御部は、音声認識部から認識結果として送られてくる語が、第2音声認識辞書に含まれる語彙と照合することにより得られた語である場合は、該語を前記検索部に送って検索を指示し、該指示に回答して前記検索部から返される前記検索キーを名称に含む語を提示情報として出力することを特徴とする請求項1記載の音声認識装置。

【請求項3】

対話制御部から送られてくる語をキーワードとしてネットワーク検索を実行し、該ネットワーク検索により得られた前記キーワードを含む語を前記対話制御部に返す通信部を備え、

前記対話制御部は、音声認識部から認識結果として送られてくる語が、第2音声認識辞書に含まれる語彙と照合することにより得られた語である場合は、該語を前記通信部に送ってネットワーク検索を指示し、該指示に回答して前記検索部から返される前記キーワードを含む語を提示情報として出力することを特徴とする請求項1記載の音声認識装置。

【請求項4】

既存の第2音声認識辞書を、外部から取得した更新用音声認識辞書で置き換えることにより新しい第2音声認識辞書とする辞書更新部

を備えたことを特徴とする請求項1記載の音声認識装置。

【請求項5】

音声認識部から送られてくる認識結果の訂正を指示する認識訂正手段と、

前記認識訂正手段からの指示に応じて、マイクロフォンから対話制御部を介して送られてくる発話データを、ネットワークを介して音声認識サーバに送信し、該音声認識サーバにおいて該発話データを認識できた場合に使用された語彙を含むように生成された更新用音声認識辞書を前記音声認識サーバからネットワークを介して受信して前記対話制御部に返す通信部を備え、

辞書更新部は、前記対話制御部から更新用音声認識辞書を取得し、該取得した更新用音声認識辞書で既存の第2音声認識辞書を置き換えることにより新しい第2音声認識辞書とする

ことを特徴とする請求項4記載の音声認識装置。

WHAT IS CLAIMED IS:

1. A voice recognition system used for onboard equipment having a genre database that stores search target vocabularies in accordance with respective genres, the voice recognition system comprising:

a microphone for converting speech sounds to an electric signal, and for outputting the electric signal as spoken data;

a first voice recognition dictionary used for recognizing words of a search target genre in the genre database;

a second voice recognition dictionary used for recognizing words outside the search target genre in the genre database;

a voice recognition unit for recognizing the speech sounds by collating the spoken data delivered from the microphone with the words contained in the first voice recognition dictionary and in the second voice recognition dictionary;

an interactive control unit for outputting, when a word delivered from the voice recognition unit as a recognition result is a word obtained by collating with the words contained in the second voice recognition dictionary, a message stating that the word is not a word of the search target genre as presentation information; and

a presentation unit for presenting the presentation information delivered from the interactive control unit to an outside.

2. The voice recognition system according to claim 1, further comprising:

a name database that stores search target vocabularies under respective names; and

a retrieval unit for searching the name database using the word delivered from the interactive control unit as a retrieval key, and for sending a word which is obtained by the search and includes the retrieval key back to the interactive control unit,
5 wherein

the interactive control unit instructs, when the word delivered from the voice recognition unit as a recognition result is a word obtained by collating with the words contained in the second voice recognition dictionary, the search by delivering
10 the word to the retrieval unit, and outputs as the presentation information the word which includes the retrieval key and is sent back from the retrieval unit in response to the instruction.

3. The voice recognition system according to claim 1, further
15 comprising:

a communication unit for executing a network search using the word delivered from the interactive control unit as a keyword, and for sending a word including the keyword obtained by the network search back to the interactive control unit, wherein
20 the interactive control unit instructs, when the word delivered from the voice recognition unit as a recognition result is a word obtained by collating with the words contained in the second voice recognition dictionary, the network search by delivering the word to the communication unit, and outputs as
25 the presentation information the word which includes the keyword and is sent back from the retrieval unit in response to the instruction.

4. The voice recognition system according to claim 1, further
30 comprising a dictionary update unit for preparing a new second

voice recognition dictionary by replacing the existing second voice recognition dictionary by an update voice recognition dictionary obtained from an outside.

5 5. The voice recognition system according to claim 4, further comprising:

a recognition correcting component for instructing correction of the recognition result delivered from the voice recognition unit; and

10 a communication unit for transmitting the spoken data delivered from the microphone via the interactive control unit to a voice recognition server via a network in response to the instruction from the recognition correcting component, for receiving from the voice recognition server via the network the
15 update voice recognition dictionary generated in a manner as to include a vocabulary used when the voice recognition server is able to recognize the spoken data, and for sending the update voice recognition dictionary back to the interactive control unit, wherein

20 the dictionary update unit acquires the update voice recognition dictionary from the interactive control unit, and prepares the new second voice recognition dictionary by replacing the existing second voice recognition dictionary by the update voice recognition dictionary acquired.

25



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/447,352	04/27/2009	Takayoshi Chikuri	1163-0709PUS1	3181
2292	7590	08/24/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DORVIL, RICHEMOND	
			ART UNIT	PAPER NUMBER
			2626	
			NOTIFICATION DATE	DELIVERY MODE
			08/24/2011	ELECTRONIC

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

**In re Application of Takayoshi CHIKURI
Application No.: 12/447,352
Filed: 27 April 2009
Attorney Docket No.: 1163-0709PUS1
For: VOICE RECOGNITION SYSTEM**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 24 June 1011 and renewed 12 August 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, NPI, 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 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

LARIVIERE GRUBMAN & PAYNE, LLP
19 UPPER RAGSDALE DRIVE, SUITE 200
MONTEREY, CA 93940

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Gladding	:	
Application No. 12/447,380	:	DECISION ON PETITION
Filed: April 27, 2009	:	TO WITHDRAW
Attorney Docket No. P1773WOUS	:	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 18, 2010.

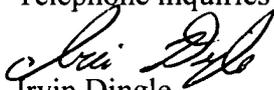
The request is **APPROVED**.

The request was signed by F. David LaRiviere on behalf of the practitioners of record associated with Customer Number 24,394.

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

All future correspondence will be directed to assignee Blue Sky Research at the address (assignee's name and address of record) indicated below.

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


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Blue Sky Research
Dr. Ronald E. Grubman
1537 Centre Pointe Drive
Milpitas, CA 95035



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
12/447,380	04/27/2009	Christopher J. Gladding	P1773WOUS

CONFIRMATION NO. 3394

POWER OF ATTORNEY NOTICE

24394
LARIVIERE, GRUBMAN & PAYNE, LLP
19 UPPER RAGSDALE DRIVE, SUITE 200
MONTEREY, CA 93940



Date Mailed: 11/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/18/2010.

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

/idingle/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/447,380	04/27/2009	Christopher J. Gladding	P1773WOUS

CONFIRMATION NO. 3394

POA ACCEPTANCE LETTER

Blue Sky Research
Dr. Ronald E. Grubman
1537 Centre Pointe Drive
Milpitas, CA 95035



Date Mailed: 11/08/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/18/2010.

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

/idingle/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627

MAILED
JAN 12 2011
OFFICE OF PETITIONS

Applicant: Mark D. Mannie
Appl. No.: 12/447,389
International Filing Date: October 29, 2007
Title: CYTOKINE-BASED FUSION PROTEINS FOR TREATMENT OF IMMUNE DISORDERS
Attorney Docket No.: 5218-156
Pub. No.: US 2010/0055070 A1
Pub. Date: March 4, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 23, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the sequence listing was misprinted in three instances wherein "VV" was misprinted as "W".

The request is DISMISSED.

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

The errors due to faulty optical character recognition are, in this case, not Office error. The errors are due to the quality of the text, which makes it difficult to electronically reproduce by digital imaging and optical character recognition. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital imaging and optical character recognition." As set forth at MPEP 1121, "applications with poor quality text, which may be acceptable for scanning and examination

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).

purposes, may lead to errors in the patent application publication. Correction of these errors and inclusion of any desired amendments into the text of the originally-filed specification and drawings will only occur if applicant files a request for republication under 37 CFR 1.221(a). They will not be corrected by the Office in a corrected publication under 37 CFR 1.221(b).”

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221 (a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

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



UNITED STATES 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
PRINCETON PIKE CORPORATE CENTER
997 LENOX DRIVE, BLDG. #3
LAWRENCEVILLE, NJ 08648

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of :

Andrew KULAR, et al. :

Application No. 12/447,399 :

Filed: October 11, 2009 :

Attorney Docket No. **37458-x113US** :

DECISION ON PETITION TO
WITHDRAW FROM RECORD

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

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

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

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

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

pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a change of correspondence address containing a proper 3.73(b) statement has been submitted.

Inquires concerning either the examination or status of the application should be directed to the Technology Center at 571-272-2100. Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO CA 94306

MAILED

APR 06 2012

PCT LEGAL ADMINISTRATION

In re Application of	:	
TANG, et al.	:	DECISION ON PETITION
Serial No.: 12/447,429	:	
PCT No.: PCT/CN2006/002916	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 31 October 2006	:	
Priority Date: 31 October 2006	:	
Atty Docket No.: 100758-5010US	:	
For: CONTROL METHOD OF ELECTROMOTOR	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 03 April 2012 in the United States Patent and Trademark Office (USPTO) supplementing materials originally filed on 27 April 2009.

BACKGROUND

On 31 October 2006, applicant filed international application PCT/CN2006/002916. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 08 May 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 30 April 2009.

On 27 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); an English translation of the international application as filed; a preliminary amendment; a signed declaration missing the signatures of inventors Ming Yu and Jian Gong and a declaration signed by Xiaoyan Qian detailing attempts to secure the signatures of Ming Yu and Jian Gong on the declaration of inventorship. No decision was rendered on the lack of signatures.

On 28 September 2009, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903) and official filing receipt.

On 01 March 2012, applicant was mailed an office action advising applicant of the need to provide a compliant declaration or petition under 37 CFR 1.47. Applicant was afforded three months to reply.

On 03 April 2012, 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) 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,

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.

In the present case, the only attempts to provide the inventors with a complete set of application papers and declarations for signature were emails to the inventors which were not successful. Applicant has not provided any evidence of attempts to locate valid mailing addresses for the inventors after the email attempts were not successful.

With regard to item (3), applicant has provided a corporate address as the last known address of the inventors. As explained in MPEP 605.03 this is insufficient for the purposes of proceeding under 37 CFR 1.47, "In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary."

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).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/447,434	07/23/2009	Niann-Tzyy Dai	2519/0695PUS1	3797
60601	7590	12/23/2010	EXAMINER	
Muncy, Geissler, Olds & Lowe, PLLC			LEVIN, MIRIAM A	
4000 Legato Road			ART UNIT	PAPER NUMBER
Suite 310			1613	
FAIRFAX, VA 22033			MAIL DATE	DELIVERY MODE
			12/23/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 23 2010

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

In re Application of	:	
DAI, NIANN-TZYY et al.	:	DECISION ON REQUEST TO
Application No. 12/447,434	:	PARTICIPATE IN PATENT
Filed: July 23, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 2519/0695PUS1	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 22 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

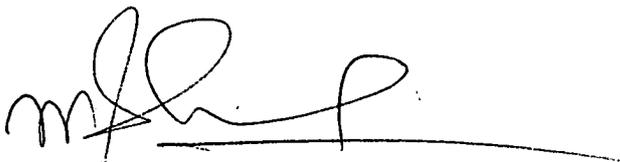
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
- (2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);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

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

Telephone inquiries concerning this decision should be directed to 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 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.

A handwritten signature in black ink, appearing to read 'mshukla', with a long horizontal line extending to the right from the end of the signature.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER



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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SEP 13 2010

OFFICE OF PETITIONS

FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
MORRIS, Christopher L. et al.	:	
Application No. 12/447,459	:	DECISION ON PETITION
Filed: October 26, 2009	:	TO WITHDRAW
Attorney Docket No. 23309-0002US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 17, 2010.

The request is **NOT APPROVED**.

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

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then 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-listed address until otherwise notified by applicant.

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **LOS ALAMOS NATIONAL SECURITY, LLC**
P.O. BOX 1663, MS A 187
LOS ALAMOS, NM 87545

27 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

D. Kligler I.P. Services LTD
P.O. Box 25
Zippori 17910
ISRAEL

In re Application of :
FRENKEL, Lior, et al. :
Application No.: 12/447,470 :
PCT No.: PCT/IL2008/000070 : DECISION
Int. Filing Date: 16 January 2008 :
Priority Date: 16 January 2007 :
Attorney's Docket No.: 1016-1003.2 :
For: SECURE ARCHIVE :

This decision responds to applicants' Petition, filed in the United States Patent and Trademark Office on 21 July 2010.

BACKGROUND

On 05 March 2010, the Office mailed Decision On Petition, indicating that the Office had inadvertently refunded the full amount of applicant's search fee, rather than retaining the required \$50 search fee. The decision set a two month period for reply.

On 14 March 2010, applicants filed a response, indicating that the \$50 search fee was enclosed. A review of electronic records indicates it was not.

On 19 July 2010, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the surcharge for late filing of the search fee, examination fee or oath or declaration and the search fee were required.

On 21 July 2010, applicants filed this petition to vacate the 19 July 2010 Notification.

On 12 August 2010, applicants paid the search fee and surcharge fee.

DISCUSSION

As indicated above, the search fee was not included with the 14 March 2010 response to the Decision on Petition. As such, the surcharge and search fee were required in the Notification.

CONCLUSION

For the above reasons, applicant's request to vacate the Notification of Defective Response (Form PCT/DO/EO/916) is **DISMISSED** without prejudice.

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

Docket No. OLI-053

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Yoshiyuki HAYASHI et al. : Confirmation No. 4385
U.S. Patent Application No. 12/447,505 : Group Art Unit: 2839
Filed: May 29, 2009 : Examiner: Not Yet Assigned

For: WIND TURBINE GENERATOR, WIND TURBINE GENERATOR SYSTEM, AND
POWER GENERATION CONTROL METHOD OF WIND TURBINE GENERATOR

STATEMENT OF SPECIAL STATUS

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

Dear Sir:

This Statement of Special Status is filed in conjunction with a Petition to Make Special Under the Green Technology Pilot Program.

The above-referenced application pertains to environmental quality, i.e. development of wind power generator. Special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 11-0219 and please credit any excess fees to such deposit account.

Respectfully submitted,

KANESAKA BERNER & PARTNERS, LLP



Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 310
Alexandria, Virginia 22314
(703) 684-1111 KMB/bjs
Facsimile: (703) 518-5499
Date: January 13, 2011

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: OLI-053

Application Number (if known): 12/447,505

Filing date: May 29, 2009

First Named Inventor: Yoshiyuki HAYASHI et al.

Title: WIND TURBINE GENERATOR, WIND TURBINE GENERATOR SYSTEM, AND POWER GENERATION CONTROL METHOD OF WIND TURBINE GENERATOR

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

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

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.
3. This request is accompanied by statements of special status for the eligibility requirement.
4. The application contains no more than three (3) independent claims and twenty (20) total claims.
5. The application does not contain any multiple dependent claims.
6. Other attachments: Preliminary Amendment

Signature /Kenneth M. Berner/

Date January 13, 2011

Name (Print/Typed) Kenneth M. Berner

Registration Number 37,093

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

*Total of _____ forms are submitted.

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

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

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

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

The following is a summary of the requirements (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/oqsheet.html>):

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

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/447,505	05/29/2009	Yoshiyuki Hayashi	OLI-053	4385
32628	7590	01/19/2011	EXAMINER	
KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848			PONOMARENKO, NICHOLAS	
			ART UNIT	PAPER NUMBER
			2839	
			MAIL DATE	DELIVERY MODE
			01/19/2011	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.



KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	:	
HAYASHI et al.	:	DECISION ON PETITION
Application No. 12/447,505	:	TO MAKE SPECIAL UNDER
Filed: May 29, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. OLI-053	:	PILOT PROGRAM

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

The petition is **GRANTED**.

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

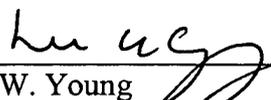
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12447665
Filing Date	29-Apr-2009
First Named Inventor	Yoichiro Goya
Art Unit	2855
Examiner Name	JEWEL THOMPSON
Attorney Docket Number	339843US71CTC PCT
Title	GAS SENSOR FITTING STRUCTURE

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	/Richard L. Allen/
Name	Richard L. Allen
Registration Number	64830



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 24, 2012

In re Application of :

Yoichiro Goya

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12447665

Filed : 29-Apr-2009

Attorney Docket No : 339843US71CTC PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 24, 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 2855 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



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J. Rodman Steele
Novak Druce & Quigg LLP
525 Okeechobee Blvd
Suite 1500
West Palm Beach FL 33401

MAILED
OCT 08 2010
PCT LEGAL ADMINISTRATION

In re Application of : DECISION ON RENEWED
GUENARD et al :
Application No.: 12/447,681 :
PCT No.: PCT/FR2007/001814 :
Int. Filing Date: 31 October 2007 : PAPERS FILED
Priority Date: 31 October 2006 :
Attorney's Docket No.: 6300029 :
For: SILICONE FOAM WITH... :
OF THE FOAM : UNDER 37 CFR 1.42

This is a decision on the "RESPONSE TO DECISION ON THE RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS," filed on 06 August 2010, which is being treated as renewed request under 37 CFR 1.42.

BACKGROUND

In a decision from this office dated 24 June 2010, the papers filed on 08 March 2010 were not accepted under 37 CFR 1.42. The reason was that it was not clear if the information provided was for the legal representative or the deceased inventor.

On 06 August 2010, applicants submitted the renewed submission under 37 C.F.R. §1.42.

DISCUSSION

After reviewing applicants comments and re-reviewing the application file, applicants are correct that all the required information about the deceased inventor and legal representative had been provided in the executed Declaration. In this instance, Annick BOCCARA is both a joint-inventor and the legal representative of Claude BOCCARA. Applicants had submitted a proper executed declaration.

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. The 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of this application as **08 March 2010**.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459



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WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

MAILED

JUN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Amir Belson	:	
Application No. 12/447,833	:	DECISION ON PETITION
Filed: February 4, 2010	:	TO WITHDRAW
Attorney Docket No. 028632-000110US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 3, 2011.

The request is **APPROVED**.

A review of the file record indicates that Mark D. Barrish: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Mark D. Barrish has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

Irvin Dingle
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834



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MAILED

JAN 12 2012

OFFICE OF PETITIONS

**CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110**

**In re Application of
Andrew Brown, et al.
Application No.: 12/447,889
Filed: 19 January 2010
Attorney Docket No.: 50666/002001
For: PROCESS FOR THE
PREPARATION OF ANGIOGENIN**

**: 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 November 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, NPI, NBPR, 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 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>.

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.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



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Decision Date : April 18, 2012
In re Application of :
Diana Shapiro
Application No : 12447911
Filed : 31-Dec-2009
Attorney Docket No : P-71757-US

DECISION ON PETITION
UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 18, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the 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	12447911
Filing Date	31-Dec-2009
First Named Inventor	Diana Shapirov
Art Unit	2886
Examiner Name	ROY PUNNOOSE
Attorney Docket Number	P-71757-US
Title	METHOD AND SYSTEM FOR DEFECT DETECTION USING TRANSMISSIVE BRIGHT FIELD ILLUMINATION AND TRANSMISSIVE DARK FIELD ILLUMINATION

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	/OREN RECHES/
Name	oren rechesh
Registration Number	53506



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**DANIEL J SWIRSKY
55 REUVEN ST.
BEIT SHEMESH 99544 IL ISRAEL**

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of :

Klayman, Avi :

Application No. 12/447,944 :

Filed: December 28, 2009 :

Attorney Docket No. 1826-US :

DECISION ON PETITION

TO WITHDRAW

FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 14, 2010.

The request is **APPROVED**.

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

The request was signed by Daniel Swirsky, the sole attorney of record. Daniel Swirsky has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Avi Klayman at 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: **AVI KLAYMAN
8 FEINSTEIN ST.
TEL-AVIV 69123
ISRAEL**



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21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED
JAN 14 2011
OFFICE OF PETITIONS

In re Application of :
Liu et al. : DECISION ON PETITION
Application No. 12/447,959 : TO WITHDRAW
Filed: October 7, 2009 : FROM RECORD
Attorney Docket No. SYNT-1244 :
(B00585US2) :

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 22, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Schwegman, Lundberg & Woessner, P.A. does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Schwegman, Lundberg & Woessner, P.A. not having power of attorney. See MPEP §§ 601.03 and 405.

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

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891



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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.
12/447,961	06/15/2009	Hisashi Yamamoto	08384.0013-00000	8198
22852	7590	06/09/2011	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			O SULLIVAN, PETER G	
			ART UNIT	PAPER NUMBER
			1621	
			MAIL DATE	DELIVERY MODE
			06/09/2011	PAPER

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

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



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JUN 09 2011

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

In re Application of : DECISION ON REQUEST TO
YAMAMOTO ET AL. : PARTICIPATE IN PATENT
Application No. 12/447,961 : PROSECUTION HIGHWAY
Filed: June 15, 2009 : PROGRAM AND PETITION
Attorney Docket No. 08384.0013-00000 : 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 18, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

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

Examination of the U.S. application has begun. Accordingly, the petition is denied.

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/efc/efs_help.html.

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.



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-KR (06-10)
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 KOREAN INTELLECTUAL PROPERTY
OFFICE (KIPO) AND THE USPTO**

Application No.:	12/448,027-Conf. #9153	Filing Date:	February 22, 2010
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First Named Inventor:	Timothy E. Moutafis
-----------------------	---------------------

Title of the Invention:	A DEVICE FOR SUPPORTING A USER'S BODY
----------------------------	---------------------------------------

**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/US2007/025132

**The international date of the corresponding
PCT application(s) is/are:** December 7, 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.:	12/448,027-Conf. #9153
First Named Inventor:	Timothy E. Moutafis

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 September 15, 2011

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

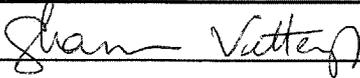
Are attached.

Have already been filed in the above-identified U.S. application on June 4, 2009

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 - 34	1- 34	In the corresponding PCT application, the Korean Examiner indicated that claims 1-34 were both novel and inventive.

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

Signature		Date	3/8/12
Name (Print/Typed)	Shannon M. Vittengl	Registration Number	55,548

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4).

Dated: 3-8-12

Electronic Signature for Marjorie A. DePina: /Marjorie A. DePina/



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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Application of	: DECISION ON REQUEST TO
Timothy E. MOUTAFIS	: PARTICIPATE IN THE PATENT
Application No.: 12/448,027	: PROSECUTION HIGHWAY
Filed: February 22, 2010	: PROGRAM AND PETITION
Attorney Docket No.: S1627.70000US02	: TO MAKE SPECIAL UNDER
For: DEVICE FOR SUPPORTING A USER'S	: 37 CFR 1.102(a)
BODY	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on March 08, 2012, 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 Australia, Austria, China, EPO, Finland, JPO, Korea, Nordic Patent Institute, Russia, Spain, Sweden, 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 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;

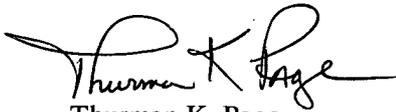
(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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 Michelle R. Eason at 571-272-4231.

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.



Thurman K. Page
Petitions Examiner
Office of Petitions



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SEP 30 2010

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

In re application of
Shiiba et al
Application No. 12/448,052
Filed: June 5, 2009
For: CONTROL DEVICE FOR AUTOMATIC
TRANSMISION

: 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(a), filed August 12, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the 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 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 12, 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: 09/29/10



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JAN 07 2011

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

PCT LEGAL ADMINISTRATION

In re Application of :
AMON et al :
Application No.: 12/448,081 : DECISION ON
PCT No.: PCT/EP2007/060957 :
Int. Filing Date: 15 October 2007 : PETITION
Priority Date: 8 December 2006 :
Attorney's Docket No.: 2454.1086 : UNDER 37 CFR 1.181
For: METHOD FOR VIDEO-CODING A SERIES :
OF DIGITIZED PICTURES :

This decision is in response to applicants' "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS," filed on 23 October 2009, which is being treated as a petition under 37 CFR 1.181 to enter the drawings as filed because there are no foreign words on the drawings.

BACKGROUND

On 08 June 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 English translation of the international application, and an executed declaration.

On 07 October 2009, 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 informed applicants, inter alia, that a translation of the application into English... text in the drawings has not been properly translated.

In response to the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 07 October 2009, applicants submitted on 23 October 2009 the instant petition requesting that all of the drawings be entered as filed because there are no foreign words on the drawings.

DISCUSSION

A review of the file shows that drawings filed on 08 June 2009 do contain foreign text. The specific drawings that contain such text are Figs 1-3, which has the following text- "Stand der Technik."

Pursuant to PCT Rule 49.5, the pertinent part for this analysis indicates, "the translation of the international application shall contain the description, the claims, any text matter of the drawings and the abstract." In addition, 35 USC 371(c)(2) requires a copy of the international application ...and a translation into the English language of the international application, if it was filed in another language. In this case, figs 1-3 are part of the international application and are therefore required to be translated and submitted with an English translation in order to the meet the requirements under PCT and U.S. law and practice. As a result, applicants need to furnish translated drawings into English.

CONCLUSION

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

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within **ONE (1) MONTH** from the mail date of this decision or within the time limit in the response set forth in the Notification of Missing Requirements, whichever is longer. The period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a). Failure to respond will result in the abandonment of the application.

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



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



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

MAILED
MAR 18 2011

In re Application of	:	PCT LEGAL ADMINISTRATION
AMON et al	:	
Application No.: 12/448,081	:	DECISION ON
PCT No.: PCT/EP2007/060957	:	
Int. Filing Date: 15 October 2007	:	PETITION
Priority Date: 8 December 2006	:	
Attorney's Docket No.: 2454.1086	:	UNDER 37 CFR 1.181
For: METHOD FOR VIDEO-CODING A SERIES OF DIGITIZED PICTURES	:	

This decision is in response to the "REQUEST FOR RECONSIDERATION OF DECISION ON PETITION," which is being treated as a petition under 37 CFR 1.181 filed on 20 January 2011 translating the foreign text in the drawings of figures 1-3 of the national stage application into English. Applicants has not paid processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date.

BACKGROUND

In a decision from this Office on 07 January 2011, the decision stated that the figures 1-3 contain foreign text "Stand der Technik" and would be required to be translated into English in the national stage application 12/448,081.

On 20 January 2011 petitioner submitted the present petition translating into English the foreign text from figures 1-3.

DISCUSSION

On 20 January 2011, applicants filed a complete English translation of the international application PCT/EP2007/060957 as the foreign text in figures 1-3 have been translated into English. Thus, completing the requirement (c)(2) of 35 USC 371 (c)(1), (c)(2) and (c)(4).

Applicants are required to file the processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).

In addition, applicants submitted a proper declaration on 08 June 2009. The decision inadvertently indicated that oath or declaration was required within one month rather that the English translation of the figures were required with the processing fee.

DECISION

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

Applicants are required to file the processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.



Rafael Bacares
Legal Examiner
PCT Legal Office
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23850
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Suite 400
Washington, DC 20005

MAILED

APR 19 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ESAKI *et al* :
U.S. Application No.: 12/448,105 :
PCT No.: PCT/US2009/001641 :
Int. Filing Date: 16 March 2009 :
Priority Date: 28 March 2008 :
Docket No.: 080104NAT :
For: AVIAN VACCINES POSSESSING A :
POSITIVE MARKER GENE :

DECISION

This is a decision on applicants' petition to withdraw the holding of abandonment under 37 CFR 1.181 filed 08 February 2011.

BACKGROUND

On 09 June 2009, applicants filed papers to enter the national stage of PCT/US2009/001641 under 35 U.S.C. 371 which was accompanied by, *inter alia*, a transmittal letter (PTO-1390) authorizing that the required national stage fees be charged to Deposit Account No. 01-2350.

On 02 February 2011, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to pay the required U.S. Basic National fee pursuant to 37 CFR 1.495(b)(2).

On 08 February 2011, applicants filed the subject petition to withdraw the holding of abandonment.

DISCUSSION

In the subject petition, applicants state that the transmittal letter "had a typographical error" in the Deposit Account listing. The Deposit Account number was listed as "01-2350" instead of "01-2340."

Nonetheless, applicants state that the proper Deposit Account number was listed on the Preliminary Amendment, Statement Verifying Nucleotide and/or Amino Acid Sequence, and Information Disclosure Statement filed with the original papers. Applicants contend that there was a proper Deposit Account request submitted upon entering the national stage.

A review of the subject application verifies applicants' claim. Authorization to charge any required fees to Deposit Account No. 01-2340 was provided in the initial papers filed 09 June 2009. Moreover, a check with the USPTO Financial Office shows that Mr. Daniel A. Geselowitz was authorized to charge fees in this account and the account contained sufficient funds to pay the U.S. Basic National fee on that date.

This is sufficient for a grantable petition.

CONCLUSION

Applicants' petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 02 February 2011 is **VACATED**.

The proper fees have been charged to Deposit Account No. 01-2340 as authorized.

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



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,112	06/09/2009	Makoto Arai	2180.1002	1491
21171	7590	07/22/2011	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			AVILA, STEPHEN P	
			ART UNIT	PAPER NUMBER
			3617	
			MAIL DATE	DELIVERY MODE
			07/22/2011	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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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Application No.: 12448112 :
Filed: 06/09/2009 : **DECISION ON PETITION**
Patent Number: 7,921,790 :
Issue Date: 04/12/11 :
Attorney Docket No. **2180.1002** :

This is a decision on the Petition filed under 37 CFR 1.181 received in the United States Patent and Trademark Office (USPTO) on July 14, 2011. Petitioner seeks relief from filing a Petition for Duplicate Letters Patent in this application due to the non-receipt of a large number of Patent Grants in the April 12, 2011 issue.

The Petition is **GRANTED**.

Petitioner submitted a statement that the Patent Grant was not received at the correspondence address of record; that a search of records did not indicate receipt; and that the docketing system is sufficiently reliable. Petitioner filed a copy of the docketing records showing receipts dates and application history as evidence.

Therefore, the Office of Data Management will provide one additional Original Letters Patent for this application.

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

/Kimberly Terrell/
Manager
Office of Data Management
Patent Publication Branch



United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
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CLARK HILL, P.C.
500 WOODWARD AVENUE, SUITE 3500
DETROIT MI 48226

MAILED

DEC 20 2010

PCT LEGAL ADMINISTRATION

In re Application of
Williams et al.
Application No.: 12/448,266
PCT No.: PCT/US2007/025509
Int. Filing Date: 13 December 2007
Priority Date: 13 December 2006
Attorney Docket No.: 29609-130195
For: Method And Apparatus For A Self-Service Kiosk
System For Collecting And Reporting Blood Alco...

DECISION

This is with regard to the petition under 37 CFR 1.181 filed on 01 October 2010.

BACKGROUND

This international application was filed on 13 December 2007, designated the United States, and claimed an earliest priority date of 13 December 2006. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 15 June 2009 (since 13 June 2009 was a Saturday). Applicants timely paid the basic national fee.

On 15 September 2009, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel.

On 09 September 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to counsel, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Form PCT/DO/EO/905 mailed on 15 September 2009.

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment on the basis of postcard evidence allegedly showing that a response to the Notification of Missing Requirements was timely filed. MPEP 503 states (in part) that "A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

The petition is accompanied by a copy of a return postcard receipt stamped as received by OIPE on "OCT 02 2009." The postcard itemizes a "PTO-1533; Copy of the Notice to File Missing Parts of Application; Declaration and Power of Attorney for Patent Application; Transmittal of Information Disclosure Statement; IDS; PTO 1449." However, the postcard refers to application no. "12/488,266," rather than the instant application number. Also, the docket number shown on the postcard differs from that shown on the Transmittal Letter filed on 15 June 2009. As such, it is not adequately clear that correspondence itemized on the postcard was directed toward the instant application.

Petitioner states that on September 29, 2009, applicants filed a "Transmittal," that the "Transmittal was accompanied by a signed Declaration and Power of Attorney....," and that a "copy of the Declaration and Power of Attorney is included at Attachment 6." Counsel appears to imply that the declaration accompanying the petition is a true copy of the declaration itemized on the return postcard receipt. Petitioner should clarify whether this is, in fact, the case.

DECISION

The petition 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 1.181" 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.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



CLARK HILL, P.C.
500 WOODWARD AVENUE, SUITE 3500
DETROIT MI 48226

MAILED

SEP 21 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Williams et al.	:	
Application No.: 12/448,266	:	
PCT No.: PCT/US2007/025509	:	
Int. Filing Date: 13 December 2007	:	DECISION
Priority Date: 13 December 2006	:	
Attorney Docket No.: 29609-130195	:	
For: Method And Apparatus For A Self-Service Kiosk	:	
System For Collecting And Reporting Blood Alco...	:	

This is with regard to the renewed petition under 37 CFR 1.181 filed on 23 February 2011, which is being treated under 37 CFR 1.182.

DISCUSSION

In a Decision mailed on 20 December 2010, the petition under 37 CFR 1.181 filed on 01 October 2010 was dismissed, without prejudice, because

The petition is accompanied by a copy of a return postcard receipt stamped as received by OIPE on "OCT 02 2009." The postcard itemizes a "PTO-1533; Copy of the Notice to File Missing Parts of Application; Declaration and Power of Attorney for Patent Application; Transmittal of Information Disclosure Statement; IDS; PTO 1449." However, the postcard refers to application no. "12/488,266," rather than the instant application number. Also, the docket number shown on the postcard differs from that shown on the Transmittal Letter filed on 15 June 2009. As such, it is not adequately clear that correspondence itemized on the postcard was directed toward the instant application.

Petitioner states that on September 29, 2009, applicants filed a "Transmittal," that the "Transmittal was accompanied by a signed Declaration and Power of Attorney..." and that a "copy of the Declaration and Power of Attorney is included at Attachment 6." Counsel appears to imply that the declaration accompanying the petition is a true copy of the declaration itemized on the return postcard receipt. Petitioner should clarify whether this is, in fact, the case.

In response, petitioner states(in part) that, upon review of the application file history, the "transmittal sheet" and the return postcard were found to have "included a typographical error in the identification of the U.S. serial number" and, in the case of the postcard receipt, the docket number. Inspection of 12/488,266 reveals that the original correspondence was in fact matched with that application. The instant petition is being treated under 37 CFR 1.182 as a request to match the mis-directed correspondence with the instant application. The requisite petition fee is being charged to Deposit Account no. 50-1759, per the authorization included in the Transmittal Letter filed on 15 June 2009. 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 error, and to associate the

Application No.: 12/448,266

-2

response filed in 12/488,266 on 02 October 2009 with the instant application, 12/448,266. Accordingly, applicants are regarded as having filed a timely reply to the Notification of Missing Requirements mailed on 15 September 2009. Consequently, the Notification of Abandonment mailed on 09 September 2010 is hereby **VACATED**. The holding of abandonment is **WITHDRAWN**.

DECISION

The petition is **GRANTED** under 37 CFR 1.182.

This application is being returned to the Office of Patent Application Processing for further processing under 35 U.S.C. 371, including correction of PALM records to show the status of the case as pending, not abandoned. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **02 October 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



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

MAILED

OCT 12 2011

In re Application of :
SHARRATT et al. :
Application No. 12/448,324 :
Filed: 02/04/2010 :
Attorney Docket No. 9404.20946-PCT US :

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 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 non-final Office action, mailed November 8, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 9, 2011. A Notice of Abandonment was mailed on June 10, 2011.

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

This application is being referred to Technology Center AU 1621 for appropriate action by the Examiner on the reply received on September 21, 2011.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Sharon Ayal et al. :
Application No. 12/448,359 :
Filed: June 18, 2009 :
Attorney Docket No. **46366** :

NOTICE

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

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

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

This patent 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) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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March 8, 2012

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of Sharon Ayal et al.
Application No. 12448359
Filed: 06/18/2009
Attorney Docket No. 46366

:
:
:
:
:

DECISION ON PETITION
ACCEPTANCE OF COLOR
DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 18, 2009.

The petition is **GRANTED**.

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

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

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

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

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



10 AUG 2010

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:	:	
LANNES, Peteri, et al.	:	DECISION
U.S. Application No.: 12/448,361	:	
PCT No.: PCT/FI2007/050656	:	
International Filing Date: 04 December 2007	:	
Priority Date: 21 December 2006	:	
Attorney Docket No.: 141966	:	
For: MEASURING ROLL FOR A	:	
FIBRE-WEB MACHINE,	:	
ADVANTAGEOUSLY FOR A	:	
REEL-UP OF A FIBRE WEB	:	

This decision is issued in response to the "Request For Correction Of Notice Of Acceptance" filed 13 November 2009, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 04 December 2007, applicants filed international application PCT/FI2007/050656. The international application claimed a priority date of 21 December 2006, and it designated the United States. On 26 June 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 thirty months from the priority date, i.e., 21 June 2009.

On 18 June 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 30 September 2009, applicants filed an executed declaration and payment of the \$130 surcharge for filing the declaration later than thirty months after the priority date. It is noted that the declaration contained uninitialed, undated hand-written alterations with respect to the address of the second inventor, Tatu PITKANEN.

On 06 October 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 with 37 CFR 1.497.

On 09 October 2009, applicants filed a response to the Notification Of Missing Requirements indicating that the required declaration had been previously filed by applicants on 30 September 2009. The response included a copy of the previously filed declaration.

On 05 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 09 October 2009. Also on 15 April 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 09 October 2009.

On 13 November 2009, applicants filed the "Request For Correction of Notification Of Acceptance" considered herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. The submission requests correction of the 35 U.S.C. 371(c) date to 30 September 2009, the date that the executed declaration was originally filed herein.

On 13 July 2010, applicants filed a revised declaration executed by the second inventor, Tatu PITKANEN, which did not include any hand-written alterations.

DISCUSSION

A review of the application file confirms that an executed declaration was first filed by applicants on 30 September 2009, as asserted in the present petition. A copy of this declaration was resubmitted on 09 October 2009 in response to the Notification Of Missing requirements. However, the declaration filed on 30 September 2009 and 09 October 2009 is not acceptable as filed because it contains uninitialed, undated hand-written alterations with respect to the address of the second inventor, Tatu PITKANEN. Any changes made in ink in the application or declaration prior to signing should be initialed and dated by the applicants prior to execution of the declaration. The USPTO 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 (see MPEP 605.04(a)). Thus, a newly executed, acceptable declaration from Tatu POTKANEN was required before the declaration herein could be accepted in compliance with 37 CFR 1.497. Applicants filed such a revised declaration on 13 July 2010. This revised declaration completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4); therefore, the correct 35 U.S.C. 371(c) date herein is 13 July 2010.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 05 November 2009, which incorrectly identified the 35 U.S.C. 371(c) date as 09 October 2009, is appropriately vacated. In addition, the filing receipts mailed on 05 November 2009 and 22 June 2010, both of which incorrectly identified the 35 U.S.C. 371(c) date as 09 October 2009, are also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 13 July 2010, the date on which the revised declaration correcting the alteration defect was filed.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED** to the extent that the "Notification Of Acceptance" and filing receipts that incorrectly identify the 35 U.S.C. 371(c) date as 09 October 2009 are hereby **VACATED**.

However, for the reasons discussed above, applicants' request to have the 35 U.S.C. 371(c) date corrected to 30 September 2009 is rejected. Rather, the correct date under 35 U.S.C. 371(c) is **13 July 2010**, the date on which applicants filed the revised declaration correcting the defect in the declaration previously filed on 30 September 2009.

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, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt.



Richard M. Ross
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DEC 13 2011

PCT LEGAL ADMINISTRATION

BRACCO RESEARCH USA INC.
305- COLLEGE ROAD EAST
PRINCETON NJ 08540

In re Application of: ALLEMANN, Eric, et al.	:	
U.S. Application No.: 12/448,374	:	DECISION ON PETITION UNDER
PCT No.: PCT/IB2007/004017	:	37 CFR 1.78(a)(3)
International Filing Date: 19 December 2007	:	
Priority Date Claimed: 19 December 2006	:	
Attorney's Docket No.: BRO55 US-01	:	
For: GAS-FILLED MICROVESICLES	:	
WITH TARGETING LIGAND IN	:	
RESPECT OF FC-REGION OF AN	:	
ANTIBODY OR THERAPEUTIC	:	
AGENT	:	

This decision is issued in response to the "PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM UNDER 35 U.S.C. § 120 FOR BENEFIT OF EARLIER FILING DATE" filed 02 December 2011.

For the reasons discussed below, the petition is **DISMISSED** without prejudice.

A petition for acceptance of a delayed claim for priority under 37 CFR 1.78(a)(3) is appropriate where, as here, the later-filed application was filed after 29 November 2000 and the applicant seeks to add a claim of benefit under 35 U.S.C. 120 and 365(c) to a prior-filed non-provisional application after the expiration of the time period set forth in 37 CFR 1.78(a)(2)(ii). A grantable petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference to the prior-filed application required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17; and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

For the reasons discussed below, the present petition fails to satisfy item (1) above.

The present petition seeks to add a benefit claim identifying the present national stage application as a continuation-in-part of U.S. Application No. 11/641,289. The petition was accompanied by the following proposed amendment to the first line of the description: "This application, U.S.S.N. 12/448,374, is the national stage application of corresponding international application number PCT/IB2007/004017 filed December 19, 2007, which is a continuation-in-

part of and claims the benefit of a prior U.S. non-provisional application no. 11/641,289, filed December 19, 2006, all of which are hereby incorporated by reference.

The amendment filed by applicants is unacceptable as filed because it indicates that the contents of the prior-filed non-provisional application referred to therein (U.S. application number 11/641,289) are "hereby incorporated by reference." As set forth in MPEP section 201.06(c)(IV) (emphasis added):

An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. 132(a)). **If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. 120 after the filing date of the application, the amendment would not be proper.** When a benefit claim under 35 U.S.C. 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See *Dart Indus. v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980).

Here, the application as filed on the international filing date did not include an incorporation by reference statement with respect to U.S. application 11/641,289; thus, the inclusion in the present proposed amendment of an incorporation by reference statement directed to such applications is improper.

Based on the above, the reference to prior-filed U.S. non-provisional application 11/641,289 contained in the proposed amendment filed with the present petition is not acceptable as filed. Item (1) of a grantable petition under 37 CFR 1.78(a)(3) is therefore not satisfied on the present record.

Before the petition under 37 CFR 1.78(a)(3) may be granted, applicant must submit a renewed petition accompanied by an acceptable substitute amendment (or ADS) that contains a proper reference to U.S. application 11/641,289 and does not seek to incorporate by reference the prior-filed application. No additional petition fee is required.

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

/RichardMRoss/

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



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PCT LEGAL ADMINISTRATION

BRACCO RESEARCH USA INC.
305- COLLEGE ROAD EAST
PRINCETON NJ 08540

In re Application of: ALLEMANN, Eric, et al.	:	
U.S. Application No.: 12/448,374	:	DECISION ON RENEWED
PCT No.: PCT/IB2007/004017	:	PETITION UNDER
International Filing Date: 19 December 2007	:	37 CFR 1.78(a)(3)
Priority Date Claimed: 19 December 2006	:	
Attorney's Docket No.: BRO55 US-01	:	
For: GAS-FILLED MICROVESICLES	:	
WITH TARGETING LIGAND OR	:	
THERAPEUTIC AGENT	:	

This decision is issued in response to the "RENEWED PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. § 120 FOR BENEFIT OF EARLIER FILING DATE" filed 22 December 2011.

For the reasons discussed below, the renewed petition is **GRANTED**.

The decision mailed 13 December 2011 dismissed without prejudice applicants' petition under 37 CFR 1.78(a)(3) because applicants had not submitted an acceptable reference to the prior-filed application, U.S. application number 11/641,289. Specifically, the amendment filed by applicant with the previous petition included an improper incorporation by reference statement directed to the prior-filed application.

The present renewed petition was accompanied by a revised amendment to the first sentence of the description that contains an acceptable reference stating that the present application is the national stage of PCT/IB2007/004017 and "is a continuation-in-part and claims the benefit of" U.S. application number 11/641,289. This amendment does not include the improper incorporation by reference statement directed to the prior-filed application that was present in the previous amendment.

The present submission satisfies the final outstanding requirement of a grantable petition under 37 CFR 1.78(a)(3) to add an unintentionally delayed benefit claim directed to the prior-filed U.S. application. Applicants' petition is therefore appropriately granted.

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

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

A corrected Filing Receipt, which includes the priority claim directed to U.S. application 11/641,289 accompanies this decision on petition.

Any questions concerning this decision may be directed to the undersigned. All other inquiries concerning either the examination procedures or status of the application should be directed to Group Art Unit 1618.

/RichardMRoss/

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

ATTACHMENT: Corrected Filing Receipt



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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.
12/448,379	08/17/2009	Alex Ashley	7251/105385	8430
24628	7590	01/20/2012	EXAMINER	
Husch Blackwell LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			GREY, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER
			2474	
			MAIL DATE	DELIVERY MODE
			01/20/2012	PAPER

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

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



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Husch Blackwell LLP
Husch Blackwell Sanders LLP Welsh & Katz
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

MAILED

JAN 20 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of: Ashley, Alex
Appl. No.: 12/448379
Filed: August 17, 2009
For: WIRELESS NETWORKING SYSTEM AND METHOD

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a response to the petition under 37 CFR 1.59(b), filed July 29, 2009, to expunge information from the above identified application.

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

Petitioner requests that a documents submitted July 24, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time. During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3126.

/Chau Nguyen/

Chau Nguyen
QAS, Technology Center 2400

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.:	12/448,379	First Named Inventor:	Alex ASHLEY
Filing Date:	371(c) Date: 17 AUG 2009	Attorney Docket No.:	7251/105385
Title of the Invention:	WIRELESS NETWORKING SYSTEM AND METHOD		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/EFBS_HELP.HTML .			
APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.			
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.			
The corresponding PCT application number(s) is/are: <u>PCT/GB2007/004830</u>			
The international filing date of the corresponding PCT application(s) is/are: <u>14 December 2007</u>			
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)			
<input type="checkbox"/> is attached.			
<input checked="" type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application, with IDS received in PTO <u>24 July 2009</u>			
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)			
<input type="checkbox"/> is attached.			
<input checked="" type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application. <u>18 June 2009</u>			
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.			
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.			
<input type="checkbox"/> is attached.			
<input checked="" type="checkbox"/> has already been filed in the above-identified U.S. application on <u>24 July 2009</u>			
(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)			
<input type="checkbox"/> are attached.			
<input checked="" type="checkbox"/> have already been filed in the above-identified U.S. application on <u>24 July 2009</u>			

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
 BETWEEN THE EPO AND THE USPTO**
 (continued)

Application No.:	12/448,379	First Named Inventor:	Alex ASHLEY
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II. Claims Correspondence Table: Continued

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1	1	identical
2	2	identical
3	3	identical
4	4	identical
5	5	identical
6	6	identical
7	7	identical
8	8	multiple dependencies removed
9	9	identical
10	10	identical
11	11	identical
12	12	identical
13	13	multiple dependencies removed
14	14	identical
15	15	multiple dependencies removed
16	16	identical
17	17	identical
18	18	identical
19	19	multiple dependencies removed
20	20	identical
21	21	identical
22	22	identical

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

Signature SEE ADDITIONAL PAGE	Date 23 FEBRUARY 2012
Name (Print/Typed) L. Friedman	Registration Number 37,135



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MAR 09 2012

OFFICE OF PETITIONS

**Husch Blackwell LLP
Husch Blackwell Sanders LLP Welsh & Katz
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606**

In re Application of : DECISION ON REQUEST TO
Alex ASHLEY : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/448,379 : AND PETITION TO MAKE SPECIAL
Filed: August 17, 2009 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 7251/105385
For: WIRELESS NETWORKING SYSTEM AND METHOD

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 23, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

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

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

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

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 2474 for action commensurate with this decision.



David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,406	06/19/2009	Waltraud Werdecker	52201-0687	5287

28481 7590 01/13/2011
TIAJOLLOFF & KELLY
CHRYSLER BUILDING, 37TH FLOOR
405 LEXINGTON AVENUE
NEW YORK, NY 10174

EXAMINER

XU, LING X

ART UNIT PAPER NUMBER

1784

MAIL DATE DELIVERY MODE

01/13/2011

PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 13 2011

CST

In re application of	:	DECISION ON REQUEST TO
Waltraud Werdecker et al	:	PARTICIPATE IN PATENT
Serial No. 12/448,406	:	PROSECUTION HIGHWAY
Filed: June 19, 20009	:	PROGRAM AND
For: QUARTZ GLASS COMPONENT	:	PETITION TO MAKE SPECIAL
WITH REFLECTOR LAYER	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 26, 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 DPMA, note where the DPMA 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 DPMA application with similar claims and the DPMA priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the DPMA 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 DPMA application(s); and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;

Application No. 12/448,406

(5) Applicant must submit:

- a. Documentation of prior office action:
a copy of the office action(s) from each of the DPMA application(s) containing the allowable/patentable claims(s);
- b. An English language translation of the DPMA Office action; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the DPMA examiner in the DPMA 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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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/448,426 06/19/2009 Junko Suginaka NIP-0003 5006
EXAMINER BOST, DWAYNE D
ART UNIT PAPER NUMBER 2617
MAIL DATE DELIVERY MODE 09/10/2010 PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. [] 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



ROPES & GRAY LLP
IPRM - Floor 43
PRUDENTIAL TOWER
800 BOYLSTON STREET
BOSTON MA 02199-3600

MAILED
APR 07 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
Nangia et al.	:	
Application No.: 12/448,456	:	DECISION
PCT No.: PCT/US2007/026336	:	
Int. Filing Date: 21 December 2007	:	ON
Priority Date: 22 December 2006	:	
Attorney Docket No.: COMB-023-302	:	PETITION
For: Pharmaceutical Compositions For Treatment Of	:	
Parkinson's Disease And Related Disorders	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 21 April 2010.

BACKGROUND

This international application was filed on 21 December 2007, claimed an earlier priority date of 22 December 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 22 June 2009. Applicants filed *inter alia* the basic national fee on 19 June 2009.

On 21 September 2009, 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).

DISCUSSION

As a preliminary matter, the Filing Receipt and Notice of Acceptance (Form PCT/DO/EO/903) mailed on 07 September 2010 were issued prematurely, and both are hereby **VACATED**.

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.

Regarding **requirement (1)**, the \$200.00 petition fee has been paid.

Regarding **requirement (2)**, with respect to inventor Verma, petitioner has provided a "Statement of Facts..." signed by Debora M. Wilkins, who recounts her efforts to contact Daya Verma. Ms. Wilkins indicates that she sent a package via Federal Express to the inventor's last known address on 05 April 2010, and provides a tracking print-out for that package showing that the correspondence was returned as undeliverable. However, the attached copy of a letter is dated 01 April 2010, and was signed by Jason Cole, not Ms. Wilkins. Is this the letter that was mailed on

05 April 2010, and did Ms. Wilkins mail it herself? It is unclear whether petitioner concluded that inventor Verma could not be reached even before said correspondence was returned, since Ms. Wilkins describes contacts she made on 03 April 2010. Was there some other indication that the inventor had become unavailable? Ms. Wilkins refers to an internet search, but no documentation of the search engine, search terms or results has been provided.

With respect to inventor Shaked, petitioner has provided another "Statement of Facts..." signed by Ms. Wilkins, who indicates that she mailed a package to Mr. Shaked on 01 April 2010 (including a copy of the application and a declaration) via Federal Express, and provides a copy of a letter (signed by Jason Cole) and tracking results showing delivery. She further indicates that she contacted him by telephone on 09 April 2010, at which time "he indicated that he was preparing a reply to the letter." However, the instant petition was filed a mere 19 days after the delivery date of petitioner's letter to Mr. Shaked. It is not clear that Mr. Shaked was provided with sufficient time to review and consider the correspondence and return an executed declaration to petitioner.

Regarding **requirement (3)**, the petition states an address for each non-signing inventor.

Regarding **requirement (4)**, inspection of the declaration of inventorship filed on 21 April 2010 reveals that it nominates "Ze'ev Shaked" in place of "SHAKED, Ze've" named in the published international application. This discrepancy has not been explained adequately.

DECISION

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)." 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



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SEP 06 2011

PCT LEGAL ADMINISTRATION

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

In re Application of:	:	
AVERY, Raymond, John	:	DECISION ON REQUEST FOR
U.S. Application No.: 12/448,464	:	REFUND
PCT No.: PCT/NZ2007/000324	:	
International Filing Date: 25 October 2007	:	
Priority Date: 22 December 2006	:	
Attorney's Docket No.: PTB-4942-29	:	
For: FLOW CONTROLLER	:	

This decision is issued in response to the "Request For Refund" filed on 16 February 2011.

BACKGROUND

On 25 October 2007, applicant filed international application PCT/NZ2007/000324. The international application claimed a priority date of 22 December 2006, and it designated the United States. On 03 July 2008, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 22 June 2009. The international application as filed and published included claims 1-82 (listed on pages 15-24).

On 10 October 2008, an "International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty)" (Form PCT/IPEA/409) was issued by the IPEA/AU (hereinafter "IPRP"). The IPRP was issued with 10 sheets of annexes, including amended pages 15-21 setting forth claims 1-5 and 7-58.

On 22 June 2009, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, payment of the \$26 small entity fee for inclusion of one additional claim in excess of twenty, and a preliminary amendment. The Transmittal Letter included the authorization to charge Deposit Account No. 14-1140 for required fees.

In January 2010, Deposit Account No. 14-1140 was charged \$624 as an additional fee for inclusion of additional claims in excess of twenty. The fee was based on a determination that the application contained 45 total claims, and was calculated based on claims 1-58 as amended in the preliminary amendment filed herein on 22 June 2009 and claims 59-82 as set forth in the original international application.

Applicant subsequently requested a refund of the \$624 in additional fees charged. In correspondence mailed 29 March 2010, the USPTO dismissed the refund request.

On 26 January 2010, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt.

On 16 February 2011, applicants filed the "Request For Refund" considered herein. The submission requests a refund of the \$624 fee charged for additional claims. Applicants argue that the claims of record herein are the amended claims annexed to the IPRP, as amended in the preliminary amendment filed on 22 June 2009 (21 total claims), and that claim numbers 59-82, for which applicants were charged, were cancelled during the international phase.

DISCUSSION

As set forth above, the published international application contained claim numbers 1-82. The application was amended during Chapter II of the international phase, and the amended portions of the application are contained in the annexes to the IPRP. In the present refund request, applicants assert that the amendments to the claims filed during Chapter II of the international phase on 12 January 2009 and 07 April 2009 cancelled claims 59-82 and that such claims are therefore not properly the subject of claims fees in the present national stage application.

The annexes to the IPRP include an amended set of claim numbers 1-5 (amended page 15, filed 07 April 2009) and claim numbers 7-58 (amended pages 16-21, filed 12 January 2009). However, Box No. 1(3) of the IPRP states that the amendments to the claims filed by applicants resulted in the cancellation of only one claim, claim number 6. It does not indicate that the amendments also cancelled original claims 59-82, as asserted by applicants in the present refund request. Because neither the IPRP nor the preliminary amendment filed by applicants herein expressly cancelled claims 59-82, such claims remain of record in the present application. The DO/EO/US therefore properly considered original claims 59-82 in calculating the applicable claims fees.

In view of the above, applicants' present request for a refund of such fees based on the purported cancellation of claims 59-82 during Chapter II of the international phase is appropriately dismissed.

CONCLUSION

Applicant's request for refund is **DISMISSED** without prejudice.

Original claims 59-82 were not expressly cancelled in the IPRP or in the preliminary amendment filed herein and therefore remain of record in the present application.

The application is being referred to Group Art Unit GAU 3753 for examination.

/RichardMRoss/

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



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JONATHAN P. O'BRIEN, PH.D.
HONIGMAN MILLER SCHWARTZ AND COHN LLP
350 EAST MICHIGAN AVENUE
SUITE 300
KALAMAZOO, MI 49007

MAILED
MAR 29 2011
OFFICE OF PETITIONS

Applicant: Mortimore, et al.
Appl. No.: 12/448,489
International Filing Date: December 21, 2007
Title: 5-CYANO-4- (PYRROLO [2,3B] PYRIDINE-3-YL) –PYRIMIDINE DERIVATIVES
USEFUL AS PROTEIN KINASE INHIBITORS
Attorney Docket: 223306/06-156US/126043
Pub. No.: US 2010/0189773 A1
Pub. Date: July 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 14, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the title of the invention is misprinted.

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

The error on the front page of the publication wherein the title of the invention “5-CYANO-4- (PYRROLO [2,3B] PYRIDINE-3-YL) –PYRIMIDINE DERIVATIVES USEFUL AS PROTEIN KINASE INHIBITORS” is misprinted as “5-CYANO-4- (PYRROLO [2,3] PYRIDINE-3-YL) –PYRIMIDINE DERIVATIVES USEFUL AS PROTEIN KINASE INHIBITORS” may be an Office error, but it is a not material Office error under 37 CFR

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).

1.221(b). The error does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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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Robert D. Shedd
THOMSON LICENSING LLC
PATENT OPERATIONS
P.O. BOX 5312
PRINCETON NJ 08543-5312

MAILED

DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of : DECISION ON
Gao et al :
Application No.: 12/448,491 :
PCT No.: PCT/CN06/003564 :
Int. Filing Date: 25 December 2006 : PETITION UNDER
Priority Date: NA :
Attorney's Docket No.: PA060054 :
For: Device For Encoding ... :
Of Digital Data : 37 CFR 1.137(a)

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR 1.137(a)," filed on 22 September 2010.

BACKGROUND

On 25 December 2006, applicant filed International Application Serial No: PCT/CN2006/003564. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 25 June 2009.

On 22 June 2009, applicants filed a Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee. No executed declaration or oath was filed at such time.

On 07 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 must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment

On 10 September 2010, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the application was abandoned for failure to respond to notice mailed 10/07/2009 within the time period set therein.

On 17 November 2009, applicants filed the instant petition under 37 CFR 1.137(a), which was accompanied by the petition fee and a properly executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in § 1.17(I); (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition is not deemed to satisfy the requirements under 37 CFR 1.137(a). Petitioner has satisfied items (1) – (2) but not item (3) under 37 CFR 1.137(a). In this application, no terminal disclaimer is required.

Petitioner has provided: (1) the proper reply by submitting an executed declaration.

With respect to item (2), petitioner has provided the petition fee of \$1,620 in excess of the fee set forth in § 1.17(I) of \$540.00. The excess amount will be refunded to petitioner's Deposit Account No.: 07-0832.

With respect to item (3), the showing of record by petitioner is inadequate to establish an unavoidable delay within the meaning of 37 CFR 1.137(a).

A petition under 37 CFR 1.137 cannot be granted unless it meets the minimal unintentional delay threshold. That is, an intentional delay precludes revival under either 37 CFR 1.137(a) (i.e., unavoidable delay), or 37 CFR 1.137(b) (i.e., "unintentional delay"). See In re Maldague, 10 USPQ2d 1477, 1478 (Comm'r Pat 1988). This is a very stringent standard. 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.

Petitioner's subsequent submission of a properly executed declaration On 22 September 2010 does not raise to a level of unavoidable delay.

Accordingly, the petition is deemed not to satisfy the requirements under 37 CFR 1.137(a). Therefore, because petitioner has not satisfied item (3) above, the granting of the petition under 37 CFR 1.137(a) for revival based on unavoidable delay would not be proper.

RECOMMENDATION

As an alternative, applicants may request revival of the application via petition under 37 CFR 1.137(b), which is a lower threshold to satisfy than the unavoidable standard.

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. Note MPEP 711.03(c)

This recommendation to file a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is DISMISSED without prejudice.

The application remains ABANDONED.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(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

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



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Robert D. Shedd
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P.O. BOX 5312
PRINCETON NJ 08543-5312

MAILED
APR 05 2011

PCT LEGAL ADMINISTRATION

In re Application of : DECISION ON
Gao et al :
Application No.: 12/448,491 :
PCT No.: PCT/CN06/003564 :
Int. Filing Date: 25 December 2006 : PETITION UNDER
Priority Date: NA :
Attorney's Docket No.: PA060054 :
For: Device For Encoding ... :
Of Digital Data : 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 24 January 2011.

BACKGROUND

In a decision from this Office on 03 December 2010, the petition filed on 22 September 2010 under 37 CFR 1.137(a) was dismissed.

On 24 January 2011 applicant submitted a petition under 37 CFR 1.137(b).

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. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **22 September 2010**.



Rafael Bacares
PCT Legal Examiner
PCT Legal Examiner
Telephone: (571) 272-3276
Facsimile: (571) 272-0459



McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna, VA 22182-3817

MAILED
SEP 20 2011
PCT LEGAL ADMINISTRATION

In re Application of: ABE, Masatoshi
Application No.: 12/448,522 :
PCT No.: PCT/JP2006/326089 :
Int. Filing Date: 27 December 2006 : **DECISION ON PETITION**
Priority Date: None :
Attorney's Docket No.: OSP-29648 :
For: DISPLAY DEVICE AND ARRANGEMENT :
METHOD OF OSD SWITCHES :

This decision is issued in response to applicant's Petition under 37 CFR 1.182 filed 26 August 2011. The petition seeks to correct the bibliographic data for the national stage application papers filed 24 June 2009, so as to allow such materials to be treated as the U.S. national stage of PCT/JP2006/326089.

BACKGROUND

On 24 June 2011, applicant was mailed a communication detailing the discrepancy between international application numbers on the transmittal letter and other filing papers such as the oath/declaration.

On 29 June 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/JP2006/326089. An examination of the originally filed papers finds that the correct international application number was listed on the oath/declaration filed 24 June 2009. 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 24 June 2009 and to permit such materials to be treated as having been directed to international application PCT/JP2006/326089.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

Application No.: 12/448,522

-2-

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/JP2006/326089.

This application is being forwarded to the United States Designated/Elected Office for further processing.



Anthony Smith
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3298



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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA, VA 22314

Applicant: Rouet, et al.

Appl. No.: 12/448,551

International Filing Date: December 24, 2007

Title: ASPHALTENE-STABILISING MOLECULES HAVING A
TETRAPYRROLIC RING

Attorney Docket: 30237U

Pub. No.: US 2010/0051508 A1

Pub. Date: March 4, 2010

MAILED

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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 April 27, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the title of the invention "Asphaltene-Stabilising Molecules Have a Tetrapyrrolic Ring" is misprinted as "Asphaltense-Stabilising Molecules have a Tetrapyrrolic Ring."

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 in the title of the invention may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221 (a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

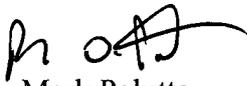
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication”.

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,554	06/25/2009	Yeon Keun Lee	29137.402.00	1664
30827	7590	01/12/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			CONSILVIO, MARK J	
			ART UNIT	PAPER NUMBER
			2872	
			MAIL DATE	DELIVERY MODE
			01/12/2011	PAPER

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

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



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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	: DECISION ON REQUEST TO
LEE et al.	: PARTICIPATE IN THE PATENT
Application No.: 12/448,554	: PROSECUTION HIGHWAY
Filed: 25 June 2009	: PROGRAM AND PETITION
Attorney Docket No.: 29137.402.00	: TO MAKE SPECIAL UNDER
For: FILTER OF DISPLAY DEVICE	: 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 08 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,
 - or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,
 - or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KR application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
 - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the KIPO office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
 - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

Any response must be submitted via EFS-Web.

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

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


Lee W. Young
TQAS
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,582	06/24/2009	Rikio Chijiwa	52433/1015	5040

26646 7590 03/23/2011

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

KIECHLE, CAITLIN ANNE

ART UNIT PAPER NUMBER

1733

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.



CST

March 23, 2011

In re application of	:	DECISION ON REQUEST TO
Rikio Chijiwa et al	:	PARTICIPATE IN PATENT
Serial No. 12/448,582	:	PROSECUTION HIGHWAY
Filed: June 24, 2010	:	PROGRAM AND
For: STEEL SUPERIOR IN CTOD	:	PETITION TO MAKE SPECIAL
PROPERTIES OF WELD	:	UNDER 37 CFR 1.102(a)
HEAT-AFFECTED ZONE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed February 18, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the 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. 12/448,582

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

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,589	06/26/2009	Yeong-Rae Chang	29137.473.00	9507

30827 7590 11/16/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

LAVARIAS, ARNEL C

ART UNIT	PAPER NUMBER
2872	

MAIL DATE	DELIVERY MODE
11/16/2010	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.



**MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006**

**In re Application of
CHANG et al.**

**Application No.: 12/448,589
Filed: 26 June 2009
Attorney Docket No.: 29137.473.00
For: COATING COMPOSITION FOR
ANTIREFLECTION AND
ANTIREFLECTION FILM PREPARED
BY USING THE SAME**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 22 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KR application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
 - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the KIPO office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
 - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

Any response must be submitted via EFS-Web.

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

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



Lee W. Young
TQAS
Technology Center 2800

29 SEP 2010



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McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna VA 22182-38

In re Application of :
NODA et al. :
U.S. Application No.: 12/448,622 :
PCT No.: PCT/JP2007/074707 :
Int. Filing Date: 21 December 2007 :
Priority Date: 28 December 2006 :
Attorney Docket No.: PNOF-0749US :
For: OIL-AND-FAT COMPOSITION, AND :
FOOD OR BEVERAGE CONTAINING :
THE OIL-AND-FAT COMPOSITION :

DECISION ON PETITION

This decision is issued in response to applicants' "Submission of Verified English Translation of the Personal Information Certificate" filed 25 November 2009 which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicants are requesting to change the name of the third inventor from Chika Sakurai to Chika Ogasawara due to marriage. The \$400 petition fee under 37 CFR 1.17 will be charged to Deposit Account no. 50-0481.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicants are requesting to change the name of the third inventor from Chika Sakurai to Chika Ogasawara. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the third inventor. For such a petition to be grantable, MPEP §605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

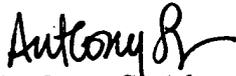
Here, applicants' submission included the authorization to charge Deposit Account No. 50-0481 for required fees. Based on this authorization, Deposit Account No. 50-0481 will be charged the requisite petition fee of \$400, satisfying the petition fee requirement. As for the affidavit requirement or copy of the court order, applicants have submitted a "Personal Information Certificate" (court order) regarding the name change and a translation thereof. Hence, the court order supplied satisfies the requirements for a grantable petition. Therefore, item (2) has been satisfied.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Chika Sakurai to Chika Ogasawara is **GRANTED**.

Based on the above, the declaration filed 26 June 2009 is in compliance with 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.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459

30 SEP 2010



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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of :
De Lutiis et al. :
Application No.: 12/448,646 :
PCT No.: PCT/EP2006/012570 :
Int. Filing Date: 28 December 2006 : DECISION
Priority Date: N/A :
Attorney Docket No.: 09952.0493 :
For: Method And Apparatus To Control Application :
Messages Between Client And Server Having...:

This is in response to the correspondence filed on 03 December 2009.

BACKGROUND

This international application was filed on 28 December 2006, claimed a no earlier priority date, and designated the United States. On 10 July 2008, the International Bureau transmitted a copy of the published international application to the USPTO. The 30-month period for payment of the basic national fee in the U.S. expired as of midnight on 29 June 2009 (since 28 June 2009 was a Sunday). Applicants filed *inter alia* the basic national fee on 29 June 2009.

On 17 September 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b), the surcharge under 37 CFR 1.492(h) and certain other fees.

On 16 October 2009, applicants filed a response.

On 03 November 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed, objecting to discrepancies in the inventors' names.

DISCUSSION

Inspection of the declaration filed on 16 October 2009 reveals that it nominates "Paolo De Lutiis" and "Luca Viale" instead of "DE LUTIS, Paolo" and "VIALE, Lucas" named in the published international application. The correspondence filed on 03 December 2009 indicates that the international application contained "errors in the spelling of the first and second inventors' names," and refers to a letter dated 18 February 2009 from Francesco Battipede, who indicates that the names "have been misspelled on the Publication." In view of the policy described at MPEP 605.04(b) and 1893.01(e), it would be appropriate to accept the inventors' names as they appear on the declaration.

DECISION

The declaration filed on 16 October 2009 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

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 **16 October 2009**.

/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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SEP 16 2010

OFFICE OF PETITIONS

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**KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004**

In Re application of :
Thomas Brinz et al. :
Application No. 12/448,687 : ON PETITION
Filed: March 31, 2010 :
Attorney Docket No. 10191/5900 :

This is a decision on the petition, filed March 31, 2010 which is being treated as a petition under 37 CFR 1.59(b), to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that the Declaration/Power of Attorney (EFS ID 7000600), filed February 12, 2010, be expunged from the record. Petitioner states that the information was submitted in error and was intended for another application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in an unrelated application.

The expunged material has been removed from the official file.

The application is being returned to Technology Center Art Unit 2621.

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

Carl Friedman
Petitions Examiner
Office of Petitions



22203
KUSNER & JAFFE
Highland Place, Suite 310
6151 Wilson Mills Road
Highland Heights, OH 44143

MAILED
APR 04 2011

In re Application of :
MOKHTARI, Malik :
U.S. Application No.: 12/448,705 :
PCT No.: PCT/FR2007/002178 :
Int. Filing Date: 27 December 2007 :
Priority Date: 02 January 2007 :
Attorney Docket No.: EG9844WO(US) :
For: DEVICE CAPABLE OF MODULATION :
BY EXPANSION OR COMPACTION :
FOR FORMING A PROTECTION AND :
TRANSPORT STRUCTURE AT THE :
BACK AND AT THE HEIGHT OF THE :
ROOF OF THE PASSENGER :
COMPARTMENT OF AN :
AUTOMOTIVE VEHICLE :

PCT LEGAL ADMINISTRATION

DECISION

This decision is in response to the declaration filed on 11 January 2011 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 23 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requesting several items including an oath or declaration in compliance with 37 CFR 1.497(a) and (b), an English translation, a processing fee, and a surcharge fee. Applicants were given two months to respond with extensions available.

On 11 January 2011, applicants submitted a response which was accompanied by, *inter alia*, a declaration executed by two heirs of the deceased inventor.

On 18 February 2011, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt stating that applicants completed all 35 U.S.C. 371 requirements on 11 January 2011.

DISCUSSION

Applicants submitted a declaration executed by Lucie Mokhtari and Emmanuel

Mokhtari as the heirs of deceased inventor, Malik MOKHTARI. The declaration indicates that these are all the heirs of the deceased inventor.

A submission of the declaration signed by all the heirs is construed as an indication that a legal representative has not been appointed nor is one required to be appointed by applicable law, and thus, the heirs are signing as the legal representative of the estate. See MPEP § 409.01(d). If this interpretation is incorrect, applicants are required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to the decision.

A review of the declaration shows that the citizenship, residence, and mailing address¹ of the heirs are listed on the declaration pursuant to 37 CFR 1.497(b)(2). The name and citizenship of the deceased inventor are also recorded on the declaration.

The declaration is in compliance with 37 CFR 1.497(a) and (b)

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

A corrected filing receipt listing both Lucie Mokhtari and Emmanuel Mokhtari as the legal representatives of Malik MOKHTARI is required. The filing receipt mailed 18 February 2011 records only Lucie Mokhtari as the legal representative.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for mailing of a corrected filing receipt.


James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

¹ There is one address listed on the declaration for both heirs. This address is considered to be the address of both Lucie Mokhtari and Emmanuel Mokhtari.

30 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

NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

In re Application of :
BARDOTTI (deceased) et al. :
Application No.: 12/448,709 :
PCT No.: PCT/IB2008/001116 :
Int. Filing Date: 11 January 2008 :
Priority Date: 11 January 2007 :
Attorney's Docket No.: 51636-US-PCT :
For: MODIFIED SACCHARIDES :

:
: DECISION ON
: PAPERS
: UNDER 37 CFR 1.42

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 06 November 2009.

BACKGROUND

On 11 January 2008, applicants filed international application PCT/IB2008/001116, which designated the United States and claimed a priority date of 11 January 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 17 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 July 2009 (11 July 2009 being a Saturday).

On 02 July 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 inventors. The indication in the declaration that inventor Angela Bardotti is deceased has been treated as a request for status under 37 CFR 1.42.

On 03 August 2009, applicants filed a statement under 37 CFR 3.73(b).

On 29 September 2009, a decision was mailed refusing applicants' request for status under 37 CFR 1.42

On 06 November 2009, applicants filed the instant renewed request for status under 37 CFR 1.42 which was accompanied by a new declaration of inventors.

DISCUSSION

The submission filed 06 November 2009 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 06 November 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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,733	07/02/2009	Ilan Bar-On	46163	2203

67801 7590 11/08/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
2486	

MAIL DATE	DELIVERY MODE
11/08/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MAILED

NOV 07 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

MARTIN D. MOYNIHAN D/B/A PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

In re Application of: BAR-ON et al.)
Application No.: 12/448733)
Filed: July 2, 2009)
For: METHOD AND A SYSTEM FOR)
WAVELET BASED PROCESSING)

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

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

The petition is **GRANTED**.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.84(a)(2) states:

(2) *Color*. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

DECISION

The petition, filed July 2, 2009 satisfies conditions (i)-(iii). Thus, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-7418.

/Mehrdad Dastouri/

Mehrdad Dastouri
SPE, AU 2486
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
www.uspto.gov

**CLARK HILL, P.C.
500 WOODWARD AVENUE, SUITE 3500
DETROIT MI 48226**

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of
VOSS
Application No. 12/448,829
Filed: November 23, 2009
Attorney Docket No. 19365-130642

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 13, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 Robin W. Asher 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 indicated below until otherwise properly notified.

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

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

cc: HANS WERNER VOSS
AN DER BERGLEITE 20
ROCKENHAUSEN 67806 GERMANY



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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**CLARK HILL, P.C.
500 WOODWARD AVENUE, SUITE 3500
DETROIT MI 48226**

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of
VOSS
Application No. 12/448,837
Filed: February 19, 2010
Attorney Docket No. 19365-130641

:
:
:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 13, 2011.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record cannot be approved because the incorrect application number has been identified and it is not obvious to the Office that the request should be associated with the above-identified application.

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

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

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

cc: **HANS WERNER VOSS
AN DER BERGLEITE 20
ROCKENHAUSEN 67806 GERMANY**



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**ROBIN W. ASHER
CLARK HILL, PLC
500 WOODWARD AVENUE,
SUITE 3500
DETROIT MI 48226-3435**

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of	:	
VOSS	:	
Application No. 12/448,837	:	DECISION ON PETITION
Filed: February 19, 2010	:	TO WITHDRAW
Attorney Docket No. 19365-130641	:	FROM RECORD
	:	

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

The request is **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 Robin W. Asher 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 indicated below until otherwise properly notified.

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

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

cc: HANS WERNER VOSS
AN DER BERGLEITE 20
ROCKENHAUSEN 67806 GERMANY



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/448,837	02/19/2010	Hans Werner Voss	19365-130641

CONFIRMATION NO. 9826

POWER OF ATTORNEY NOTICE

Robin W. Asher
Clark Hill PLC
500 Woodward Avenue, Suite 3500
Detroit, MI 48226-3435



Date Mailed: 04/04/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/17/2011.

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

/dcgoodwyn/

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



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Alessandro Barberio
14845/6 Yonge Street
Suite # 523
Aurora ON L4G6H-8 CA CANADA

MAILED

DEC 17 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
BARBERIO	:	
U.S. Application No.: 12/448,897	:	DECISION ON PETITION
PCT No.: PCT/CA2008/000029	:	
Int. Filing Date: 09 January 2008	:	UNDER 37 CFR 1.137(b)
Priority Date: 09 January 2007	:	
Attorney Docket No.: None	:	
For: SURGICAL CAST VENTING DEVICE AND	:	
MATERIAL	:	

The petition to revive under 37 CFR 1.137(b) filed 26 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the 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 statement as to the unintentional delay in providing payment of the full, U.S. Basic National fee. The requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



5 AUG 2010

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

Collard & Roe, P.C.
1077 Northern Boulevard
Roslyn, NY 11576

In re Application of :
MAIER et al. :
Application No.: 12/448,901 : DECISION ON PETITION
PCT No.: PCT/AT2008/000009 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 15 January 2008 :
Priority Date: 15 January 2007 :
Attorney Docket No.: MAIER ET AL - 11 PCT :
For: METHOD FOR PRODUCING A SENSOR
SYSTEM, AND SENSOR SYSTEM

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a) for Application to Be Made by the Other Inventors on Behalf of a Nonsigning Joint Inventor Who Refuses to Join in the Application" filed 28 June 2010. The required petition fee of \$200 (37 CFR 1.17) has been submitted.

BACKGROUND

On 15 January 2008, applicants filed international application PCT/AT2008/000009 which claimed a priority date of 15 January 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 15 July 2009.

On 14 July 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an application data sheet; and a preliminary amendment.

On 02 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 28 June 2010, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that co-inventor Mohamed Hassan 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 have submitted a statement by Viktor Maier. This affidavit includes the required firsthand statement that the nonsigning inventor has been provided with a request for signature, accompanied by a copy of the complete application (including specification, drawings and claims), and that the inventor has orally refused to execute the required documents, as requested. 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 four of the five inventors and including an unsigned signature box identifying the nonsigning inventor (Mohamed Hassan). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Mohamed Hassan under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

Application No.: 12/448,901

3

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(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

A handwritten signature in black ink, appearing to be 'AS' with a long horizontal flourish extending to the right.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298



UNITED STATES PATENT AND TRADEMARK OFFICE

05 AUG 2010

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

Mohamed Hassan
Krischbaumgasse 12/14
A-1120 Wien Austria

In re Application of
MAIER et al.
Application No.: 12/448,901
PCT No.: PCT/AT2008/000009
Int. Filing Date: 15 January 2008
Priority Date: 15 January 2007
Attorney Docket No.: MAIER ET AL - 11 PCT
For: METHOD FOR PRODUCING A SENSOR SYSTEM, AND SENSOR SYSTEM

Dear Mohamed Hassan :

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:
Collard & Roe, P.C.
1077 Northern Boulevard
Roslyn NY 11576



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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

MAILED

JUL 05 2011

In re Application of : OFFICE OF PETITIONS
Ki-Seok Jang et al :
Application No. 12/448,909 : DECISION ON PETITION
Filed: July 15, 2009 :
Attorney Docket No. 29137.481.00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed March 3, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 4, 2011. A Notice of Abandonment was mailed on June 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being 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 \$130 extension of time fee submitted with the petition on June 22, 2011 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 Kimberly Inabinet at (571) 272-4618.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of
Tetsuya MIURA et al.
Application No.: 12/448,972
Filed: July 17, 2009
Attorney Docket No.: 142209
For: Drive Control Apparatus for
Rotating Electric Machines...

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 4, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

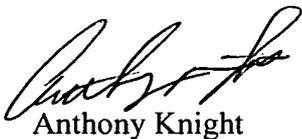
1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - b. a national 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 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 JPO, 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 JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) if not in English and
 - c. A statement that the English translation is accurate;
3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the 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. a copy: all office action(s) from of each of the JPO application(s) containing the allowable/patentable claim(s)
 - b. An English language translation of the JPO Office action if not in English
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action(s) (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition do not comply with the above requirement: (4). A non-final rejection has been entered for the instant case on December 12, 2011.

Telephone inquiries concerning this decision should be directed to Joanne Hama at 571-272-2911 or in her absence, David Bucci 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>.



Anthony Knight
Director
Office of Petitions

Doc Code: PPH.PCT.652

PTO/SB/20PCT-JP (01-10)

Document Description: Petition to make special under PCT-Patent Pros Hwy 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 JPO AND THE USPTO

Application No.:	12/449,058	Filing Date:	July 22, 2009
First Named Inventor:	Hirofumi OTA		
Attorney Docket No.:	142266		

Title of the Invention: GEAR TRAIN UNIT WITH MOTOR GENERATOR

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 PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application (1) a national stage entry of the corresponding PCT application, or (2) is 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.

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

PCT/JP2008/068347

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

October 9, 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. **A statement that the English translations of the documents in a. and b. above are attached (if the documents are not in the English language).**
 - d. **(1) An information disclosure statement listing the documents cited in the International Work Product (WO/ISA, WO/IPEA, or IPER) of the corresponding PCT application**
 - Is attached.
 - Has already been filed in the above-identified U.S. application on July 22, 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 22, 2009

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY-PATENT PROSECUTION
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO**
(continued)

Application No.: 12/449,058

First Named Inventor: Hirofumi OTA

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in Corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim 1 substantially corresponding to PCT claim 1.
2	2	US claim 2 substantially corresponding to PCT claim 2.
3	3	US claim 3 differs from PCT claim 3 in that U.S. claim 3 does not include the multiple dependency.
4	4	US claim 4 differs from PCT claim 4 in that U.S. claim 4 does not include the multiple dependency.
5	5	US claim 5 differs from PCT claim 5 in that U.S. claim 5 does not include the multiple dependency.
6	6	US claim 6 differs from PCT claim 6 in that U.S. claim 6 does not include the multiple dependency.
7	7	US claim 7 substantially corresponding to PCT claim 7.
8	8	US claim 8 differs from PCT claim 8 in that U.S. claim 8 does not include the multiple dependency.
9	9	US claim 9 differs from PCT claim 9 in that U.S. claim 9 does not include the multiple dependency.
10	10	US claim 10 differs from PCT claim 10 in that U.S. claim 10 does not include the multiple dependency.
11	11	US claim 11 differs from PCT claim 11 in that U.S. claim 11 does not include the multiple dependency.
12	12	US claim 12 differs from PCT claim 12 in that U.S. claim 12 does not include the multiple dependency.
13	13	US claim 13 differs from PCT claim 13 in that U.S. claim 13 does not include the multiple dependency.
14	14	US claim 14 differs from PCT claim 14 in that U.S. claim 14 does not include the multiple dependency.
15	15	US claim 15 differs from PCT claim 15 in that U.S. claim 15 does not include the multiple dependency.

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.

I. List of Required Documents

a. A copy of the latest International Work Product (WO/IDA, WO/IPEA or IPER) in the corresponding PCT application(s)

- IPER (in Japanese)

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)

- Japanese claims in the corresponding PCT application that are amended under PCT Article 34 indicated as having novelty, inventive step and industrial applicability

特許協力条約

発信人 日本国特許庁（国際調査機関）

代理人 恩田 博宣 様 あて名 〒500-8731 日本国岐阜県岐阜市大宮町2丁目12番地の1	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) 25. 11. 2008	

出願人又は代理人 の書類記号 P3S2008346	今後の手続きについては、下記2を参照すること。
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国際出願番号 PCT/J P 2 0 0 8 / 0 6 8 3 4 7	国際出願日 (日.月.年) 09. 10. 2008	優先日 (日.月.年) 17. 10. 2007
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国際特許分類 (IPC) Int.Cl. 補充欄参照

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。 <input checked="" type="checkbox"/> 第I欄 見解の基礎 <input type="checkbox"/> 第II欄 優先権 <input type="checkbox"/> 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 <input type="checkbox"/> 第IV欄 発明の単一性の欠如 <input checked="" type="checkbox"/> 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 <input type="checkbox"/> 第VI欄 ある種の引用文献 <input type="checkbox"/> 第VII欄 国際出願の不備 <input type="checkbox"/> 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22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 12. 11. 2008

名称及びあて先 日本国特許庁 (ISA/J P) 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) 谿花 正由輝 電話番号 03-3581-1101 内線 3328	3 J 3 1 2 0
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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. この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT規則 43 の 2.1(b))。

3. この国際出願で開示された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

4. 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。

5. 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	1-17	有
	請求の範囲		無
進歩性 (IS)	請求の範囲	1-17	有
	請求の範囲		無
産業上の利用可能性 (IA)	請求の範囲	1-17	有
	請求の範囲		無

2. 文献及び説明

請求の範囲1-17に係る発明は、国際調査報告で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。

補充欄

いずれかの欄の大きさが足りない場合

第 欄の続き

B60K6/365(2007.10)i, B60K6/26(2007.10)i, B60K6/40(2007.10)i,
B60K6/445(2007.10)i, B60K6/547(2007.10)i, B60L11/14(2006.01)i,
B60W10/08(2006.01)i, B60W10/10(2006.01)i, B60W20/00(2006.01)i,
F16H3/66(2006.01)i, F16H3/72(2006.01)i, F16H61/02(2006.01)i,
F16H63/40(2006.01)i, F16H59/74(2006.01)n, F16H61/686(2006.01)n

請求の範囲

- [1] 動力伝達経路上に配置される、モータジェネレータ付きギアトレーンユニットにおいて、
- 第1サンギア、第1リングギア及び第1キャリアを備える第1遊星歯車機構と、
第2サンギア、第2リングギア及び第2キャリアを備える第2遊星歯車機構であって、
前記第2サンギアは前記第1サンギアに接続されていることと、
前記第2リングギアに接続された入力軸と、
前記第1リングギア及び前記第2キャリアの双方に接続される出力軸と、
前記第1キャリアを前記モータジェネレータに対して選択的に切断及び接続する第1クラッチと、
前記第1サンギア及び前記第2サンギアを、前記モータジェネレータに対して選択的に切断及び接続する第2クラッチと、
を備えることを特徴とするギアトレーンユニット。
- [2] 前記ギアトレーンユニットの動力伝達モードは、前記第1クラッチを切断状態とし前記第2クラッチを接続状態とする第1の動力伝達モードと、前記第1クラッチを接続状態とし前記第2クラッチを切断状態とする第2の動力伝達モードとを含む請求項1に記載のギアトレーンユニット。
- [3] 前記ギアトレーンユニットの動力伝達モードはさらに、前記第1クラッチ及び第2クラッチの双方を接続状態にする第3の動力伝達モードを含む請求項1又は2に記載のギアトレーンユニット。
- [4] 前記第1クラッチ及び第2クラッチは、前記モータジェネレータの径方向内側に設置されている請求項1～3のいずれか一項に記載のギアトレーンユニット。
- [5] 前記第1クラッチ及び第2クラッチは、前記モータジェネレータと前記第1遊星歯車機構との間に挟み込まれる態様で配置されている請求項1～3のいずれか一項に記載のギアトレーンユニット。
- [6] 前記モータジェネレータは第1のモータジェネレータであって、前記ギアトレーンユニットは、前記出力軸に接続された第2のモータジェネレータを更に備える請求項1～5のいずれか一項に記載のギアトレーンユニット。

- [7] 前記第2のモータジェネレータは、前記出力軸の、前記第2遊星歯車機構の出力側における前記出力軸の外周に配置されている請求項6に記載のギアトレーンユニット。
- [8] 前記第2のモータジェネレータによる回生発電時には、前記第1クラッチ及び前記第2クラッチの双方が切断状態にされる請求項6又は7に記載のギアトレーンユニット。
- [9] 前記出力軸よりも出力側に配置される最終出力軸と、第3遊星歯車機構と、第3クラッチと、ブレーキとを更に備え、前記第3遊星歯車機構は、
第3サンギアと、
前記出力軸に接続される第3リングギアと、
前記最終出力軸に接続される第3キャリアと
を有し、
前記第3クラッチは、前記第3リングギア及び第3キャリアを選択的に切断及び接続し、
前記ブレーキは、前記第3サンギアの回転を選択的に停止させる請求項1～8のいずれか一項に記載のギアトレーンユニット。
- [10] 前記出力軸よりも出力側に配置される最終出力軸と、第3遊星歯車機構と、第3クラッチと、ブレーキとを更に備え、前記第3遊星歯車機構は、
第3サンギアと
前記出力軸に接続される第3リングギアと、
前記最終出力軸に接続される前記第3キャリアと、
を有し、
前記第3クラッチは、前記第3サンギア及び第3リングギアを選択的に切断及び接続し、
前記ブレーキは、前記第3サンギアの回転を選択的に停止させる請求項1～8のいずれか一項に記載のギアトレーンユニット。
- [11] 第3遊星歯車機構と、ブレーキと、第3クラッチとを備え、前記第3遊星歯車機構は、
第3サンギアと、

第3リングギアと、

前記第3リングギアより動力が入力される第3キャリアと

を有し、

前記第3クラッチは、前記第3リングギア及び第3キャリアを選択的に切断及び接続し、

前記ブレーキは、前記第3サンギアの回転を選択的に停止させる請求項1～8のいずれか一項に記載のギアトレーンユニット。

- [12] 第3遊星歯車機構と、ブレーキと、第3クラッチとを備え、前記第3遊星歯車機構は、第3サンギアと、第3リングギアと、前記第3リングギアより動力が入力される第3キャリアとを有し

前記第3クラッチは、前記第3サンギア及び第3リングギアを選択的に切断及び接続し、

前記ブレーキは、前記第3サンギアの回転を選択的に停止させる請求項1～8のいずれか一項に記載のギアトレーンユニット。

- [13] 前記出力軸よりも出力側に配置される最終出力軸と、第3遊星歯車機構と、第3クラッチと、ブレーキとを更に備え、前記第3遊星歯車機構は、第3サンギアと、前記最終出力軸に接続される第3リングギアと、前記出力軸に接続される前記第3キャリアとを有し、

前記第3クラッチは、前記第3サンギア及び第3キャリアを選択的に切断及び接続し、

前記ブレーキは、前記第3サンギアの回転を選択的に停止させる請求項1～8のいずれか一項に記載のギアトレーンユニット。

- [14] 前記出力軸よりも出力側に配置される最終出力軸と、第3遊星歯車機構と、第3クラッチと、ブレーキとを更に備え、前記第3遊星歯車機構は、

第3サンギアと、
前記出力軸に接続される第3キャリアと、
前記最終出力軸に接続される前記第3リングギアと

を有し、

前記第3クラッチは、前記第3サンギア及び第3リングギアを選択的に切断及び接続し、

前記ブレーキは、前記第3サンギアの回転を選択的に停止させる請求項1～8のいずれか一項に記載のギアトレインユニット。

[15] 第3遊星歯車機構と、ブレーキと、第3クラッチとを備え、前記第3遊星歯車機構は、第3サンギアと、

前記入力軸に接続される第3リングギアと、

前記第3リングギアより動力が入力される第3キャリアと

を有し、

前記第3クラッチは、前記第3サンギア及び第3キャリアを選択的に切断及び接続し、

前記ブレーキは、前記第3サンギアの回転を選択的に停止させる請求項1～8のいずれか一項に記載のギアトレインユニット。

[16] 第3遊星歯車機構と、ブレーキと、第3クラッチとを備え、前記第3遊星歯車機構は、第3サンギアと、

前記入力軸に接続される第3リングギアと、

前記第3リングギアより動力が入力される第3キャリアと

を有し、

前記第3クラッチは、前記第3サンギア及び第3リングギアを選択的に切断及び接続し、

前記ブレーキは、前記第3サンギアの回転を選択的に停止させる請求項1～8のいずれか一項に記載のギアトレインユニット。

[17] 請求項1～16のいずれか一項に記載のギアトレインユニットは、ハイブリッド車両の内燃機関と駆動輪との間にある動力伝達経路上に配置されているギアトレインユニ

WO 2009/051056

22

PCT/JP2008/068347

ット。

I.List of Required Documents

- c. English translations of the documents in a. and b. along with a statement that the English translations are accurate**
- IPER (English translation)
 - All claims which were determined to be patentable by the JPO (English translation)
 - Statement that the English Translation of the claims which were determined to be patentable by the JPO is accurate

PCT

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

(PCT Rule 44bis)

Applicant's or agent's file reference P3S2008346	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2008/068347	International filing date (<i>day/month/year</i>) 09 October 2008 (09.10.2008)	Priority date (<i>day/month/year</i>) 17 October 2007 (17.10.2007)
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 <i>bis</i>.1(a).</p> <p>2. This REPORT consists of a total of 5 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>	<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>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>																								

	Date of issuance of this report 20 April 2010 (20.04.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yoshiko Kuwahara
Facsimile No. +41 22 338 82 70	e-mail: pt07.pct@wipo.int

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
P3S2008346

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2008/068347

International filing date (day/month/year)
09.10.2008

Priority date (day/month/year)
17.10.2007

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)(5) 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/JP2008/068347

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(e) 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(e)).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material
- a sequence listing
- table(s) related to the sequence listing
- b. format of material
- on paper
- in electronic form
- c. time of filing/furnishing
- contained in the international application as filed
- filed together with the international application in electronic form
- furnished subsequently to this Authority for the purposes of search
4. In addition, in the case that more than one version or copy of a sequence listing and/or table(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.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2008/068347

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

1. Statement

Novelty (N)	Claims <u>1-17</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-17</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-17</u>	YES
	Claims _____	NO

2. Citations and explanations:

The invention as in claims 1-17 is not disclosed in any of the documents cited in the ISR, and would not be obvious to a person skilled in the art.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2008/068347

Supplemental Box

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

Continuation of:

B60K6/365(2007.10)i, B60K6/26(2007.10)i,
B60K6/40(2007.10)i, B60K6/445(2007.10)i,
B60K6/547(2007.10)i, B60L11/14(2006.01)i,
B60W10/08(2006.01)i, B60W10/10(2006.01)i,
B60W20/00(2006.01)i, F16H3/66(2006.01)i,
F16H3/72(2006.01)i, F16H61/02(2006.01)i,
F16H63/40(2006.01)i, F16H59/74(2006.01)n,
F16H61/686(2006.01)n

CLAIMS

1. A gear train unit with a motor-generator, the gear train being arranged in a power transmission path and
5 characterized by:

a first planetary gear mechanism having a first sun gear, a first ring gear, and a first carrier;

a second planetary gear mechanism having a second sun gear, a second ring gear, and a second carrier, the second
10 sun gear being connected to the first sun gear;

an input shaft connected to the second ring gear;

an output shaft connected to both the first ring gear and the second carrier;

a first clutch that selectively connects and
15 disconnects the first carrier to and from the motor-generator; and

a second clutch that selectively connects and disconnects the first sun gear and the second sun gear to and
20 from the motor-generator.

20

2. The gear train unit according to claim 1, wherein power transmission modes of the gear train unit include a first power transmission mode, in which the first clutch is disengaged and the second clutch is engaged, and a second
25 power transmission mode, in which the first clutch is engaged and the second clutch is disengaged.

3. The gear train unit according to claims 1 or 2, wherein the power transmission modes of the gear train unit further
30 include a third power transmission mode, in which the first clutch and the second clutch are both engaged.

4. The gear train unit according to any one of claims 1 to 3, wherein the first clutch and the second clutch are
35 arranged inward in a radial direction of the motor-generator.

5. The gear train unit according to any one of claims 1 to 3, wherein the first clutch and the second clutch are arranged between the motor-generator and the first planetary gear mechanism.

6. The gear train unit according to any one of claims 1 to 5, wherein the motor-generator is a first motor-generator, and wherein the gear train unit further includes a second motor-generator connected to the output shaft.

7. The gear train unit according to claim 6, wherein the second motor-generator is arranged in an outer periphery of the output shaft at an output side of the second planetary gear mechanism.

8. The gear train unit according to claims 6 or 7, wherein, when the second motor-generator regenerates electricity, the first clutch and the second clutch are both disengaged.

9. The gear train unit according to any one of claims 1 to 8, further comprising a final output shaft arranged at a position closer to the output side than the output shaft, a third planetary gear mechanism, a third clutch, and a brake, wherein the third planetary gear mechanism includes:

a third sun gear;
a third ring gear connected to the output shaft; and
a third carrier connected to the final output shaft,
wherein the third clutch selectively connects and disconnects the third ring gear to and from the third carrier, and
wherein the brake selectively stops rotation of the third sun gear.

10. The gear train unit according to any one of claims 1 to

8, further comprising a final output shaft arranged at a position closer to the output side than the output shaft, a third planetary gear mechanism, a third clutch, and a brake, wherein the third planetary gear mechanism includes:

5 a third sun gear;
 a third ring gear connected to the output shaft; and
 a third carrier being connected to the final output shaft,

 wherein the third clutch selectively connects and
10 disconnects the third sun gear to and from the third ring gear, and

 wherein the brake selectively stops rotation of the third sun gear.

15 11. The gear train unit according to any one of claims 1 to 8, comprising a third planetary gear mechanism, a brake, and a third clutch, wherein the third planetary gear mechanism includes:

 a third sun gear;
20 a third ring gear; and
 a third carrier to which drive power is input from the third ring gear,

 wherein the third clutch selectively connects and disconnects the third ring gear to and from the third carrier,
25 and

 wherein the brake selectively stops rotation of the third sun gear.

30 12. The gear train unit according to any one of claims 1 to 8, further comprising a third planetary gear mechanism, a brake, and a third clutch, wherein the third planetary gear mechanism includes:

 a third sun gear;
 a third ring gear; and
35 a third carrier to which drive power is input from the

third ring gear,

wherein the third clutch selectively connects and disconnects the third sun gear to and from the third ring gear, and

5 wherein the brake selectively stops rotation of the third sun gear.

13. The gear train unit according to any one of claims 1 to 8, further comprising a final output shaft arranged at a position closer to the output side than the output shaft, a third planetary gear mechanism, a third clutch, and a brake, wherein the third planetary gear mechanism includes:

a third sun gear;

a third ring gear connected to the final output shaft;

15 and

a third carrier connected to the output shaft,

wherein the third clutch selectively connects and disconnects the third sun gear to and from the third carrier, and

20 wherein the brake selectively stops rotation of the third sun gear.

14. The gear train unit according to any one of claims 1 to 8, further comprising a final output shaft arranged at a position closer to the output side than the output shaft, a third planetary gear mechanism, a third clutch, and a brake, wherein the third planetary gear mechanism includes:

a third sun gear;

a third carrier connected to the output shaft; and

30 a third ring gear connected to the final output shaft, wherein the third clutch selectively connects and disconnects the third sun gear to and from the third ring gear, and

35 wherein the brake selectively stops rotation of the third sun gear.

15. The gear train unit according to any one of claims 1 to 8, further comprising a third planetary gear mechanism, a brake, and a third clutch, wherein the third planetary gear mechanism includes:

a third sun gear;

a third ring gear connected to the input shaft; and

a third carrier to which drive power is input from the third ring gear,

10 wherein the third clutch selectively connects and disconnects the third sun gear to and from the third carrier, and

wherein the brake selectively stops rotation of the third sun gear.

15

16. The gear train unit according to any one of claims 1 to 8, further comprising a third planetary gear mechanism, a brake, and a third clutch, wherein the third planetary gear mechanism includes:

20 a third sun gear;

a third ring gear connected to the input shaft; and

a third carrier to which drive power is input from the third ring gear,

25 wherein the third clutch selectively connects and disconnects the third sun gear to and from the third ring gear, and

wherein the brake selectively stops rotation of the third sun gear.

30 17. The gear train unit according to any one of claims 1 to 16, wherein the gear train unit is arranged in a power transmission path extending between an internal combustion engine and drive wheels of a hybrid vehicle.

STATEMENT OF ACCURATE TRANSLATION

I, Nobuhito Arai, a citizen of Japan, residing at 331, 30-8, 2-chome, Zenpukuji, Suginami Ward, Tokyo, Japan, hereby declare that I am the translator of the attached document and certify that, to the best of my knowledge and belief, it is a true and accurate translation of the allowed claims in PCT Application No. PCT/JP2008/068347.



Nobuhito Arai

Translator

Dated this 9th date of September, 2010

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the International Work Product

- The references cited in the IPER were submitted in an Information Disclosure Statement filed on July 22, 2009.



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 25 2010

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

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

In re application of
Hirofumi Ota
Application No. 12/449,058
Filed: July 22, 2009
For: GEAR TRAIN UNIT WITH MOTOR
GENERATOR

: **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(a), filed September 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/22/10

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Procs Hwy

PTO/EP/20PCT-EP (26-10)

Approved for use through 01/31/2012. OMB 0651-0008

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/449,067	Filing date:	July 22, 2009
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First Named Inventor:	Christian BÜNNER
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Title of the invention:	Printing Unit of a Rotary Printing Press and a Method for Washing a Dampening Unit of a Printing Unit
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSC/EFS_HELP.HTML](http://www.uspto.gov/efsc/efs_help.html)

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

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

The corresponding PCT application number(s) is/are: PCT/EP2007/061545

The international date of the corresponding PCT application(s) is/are: October 26, 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.

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

(continued)

Application No.:	12/449,067
First Named Inventor:	Christian BUNNER

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WOSA, WO/PEA, IPER) of the corresponding PCT application.

Is attached

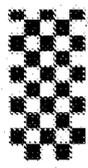
Has already been filed in the above-identified U.S. application on July 22, 2009

- (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 22, 2009**B. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
85 - 88	1 - 4	direct correspondence
89	5	U.S. claim amended to remove multiple dependency
90 - 92	6 - 8	direct correspondence
93	9	U.S. claim amended to remove multiple dependency
94, 95	10, 11	direct correspondence
96 - 98	12 - 14	U.S. claim amended to remove multiple dependency
99	15	direct correspondence
100	16	U.S. claim amended to remove multiple dependency
101	17	direct correspondence
102	18	U.S. claim amended to remove multiple dependency
103 - 105	19 - 21	direct correspondence
106, 107	22, 23	U.S. claim amended to remove multiple dependency
108, 109	24, 25	direct correspondence
110	26	U.S. claim amended to remove multiple dependency
111 - 114	27 - 30	direct correspondence
115	31	U.S. claim amended to remove multiple dependency
116 - 119	32 - 35	direct correspondence
120	36	U.S. claim amended to remove multiple dependency
121, 122	37, 38	direct correspondence



KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1432 · DUNN6FAM@MSN.COM

Date: October 25th, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of the amended claims, submitted with the International Preliminary Report on Patentability, for PCT/EP2007/061545, which was filed on 26 October 2007 and was published on 14 August 2008 as WO 2008/095551 A1.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.


Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report Regarding Patentability** in accordance with Rule 71.1 PCT, mailed on 06/17/2009

2. This report comprises a total of 5 pages including this cover sheet.
3. Enclosures are also included with the report; these include

A total of 6 pages (*sent to the applicant and to the International Authority*), which include

Pages containing the description, claims and/or drawings that have been amended and upon which this report is based, and/or pages containing corrections approved by the authority (see Rule 70.16 and section 607 of the Administrative Guidelines).

4. This report contains information on the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement.

Box I Basis of the Report

1. With regard to **language**, the opinion has been established on the basis of:
the international application in the language in which it was filed.
2. With regard to the **components** of the international application the report is based upon

Description, pages

3-16 in the originally filed version
1, 2, 2a received on 03/14/2008 with the letter dated 03/12/2008

Claims, No.

5-33 in the originally filed version
1-4, 33 (part)2, 34-42 received on 03/14/2008 with the letter dated 03/12/2008

Drawings, pages

1/5-5/5 in the originally filed version

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N) Yes: Claims 1-42
No: Claims

Inventive Step (IS) Yes: Claims 1-42
No: Claims

Industrial Applicability (IA) Yes: Claims 1-42
No: Claims

2. Citations and Explanations (Rule 70.7):

See supplementary pages

**INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY
(SUPPLEMENTARY PAGES)**

Re Item V.

Reference is made to the following documents:

D1: US 3 701 316 A (SYLVESTER PETER A ET AL) 31 October 1972 (10/31/1972)

D2: US 4 036 131 A (ELMORE DONALD FENTON) 19 July 1977 (07/19/1977)

1. Document D1 discloses (references in parentheses refer to this document) a printing couple of a rotary printing press with a forme cylinder (11), an inking unit (12) that cooperates with the forme cylinder (11) and has a plurality of rollers (19a, 20, 21, 22, 23, 24, 25), a dampening unit (14) that cooperates with the forme cylinder (11) and has a plurality of rollers (30, 31, 32, 33), and at least one washing device (40) that cooperates with one of the rollers (23) to wash the inking unit and/or the dampening unit, wherein the inking unit has a plurality of ink forme rollers (19a, 20, 21, 22), which during print operation are engaged directly against the forme cylinder, wherein the dampening unit has at least one dampening forme roller (30), which during print operation is engaged directly against the forme cylinder, wherein in the washing position, an ink forme roller (22) of the plurality of ink forme rollers and the dampening forme roller (30) are engaged directly against one another (see Figure 3 and column 5, lines 48 to 52).

The object of Claim 1 differs from the known printing couple in that at least the ink forme roller or dampening forme roller, which can be displaced from a first position to a washing position and vice versa, connects rollers of the inking unit and rollers of the dampening unit to form a shared roller train when in its washing position.

The objective problem solved by these various characterizing features consists in improving the efficiency with which inking rollers and dampening unit rollers are washed.

In D1 and D2, only a single roller of the dampening unit is washed with the washing device of the inking unit. In the washing position, the dampening forme roller is disengaged from the customary roller of the dampening unit. In the cited documents, one of ordinary skill in the art would find no suggestion to connect rollers of the dampening unit with rollers of the inking unit to form a shared roller train so as to wash a plurality of rollers.

For this reason, the object of Claim 1 of the present application is based upon an inventive step (Article 33(3) PCT).

The same reasoning applies accordingly to Claim 37 (method for washing a dampening unit).

Translation of the pertinent portions of a letter from KBA to the European Patent Office, dated 03/12/2008:

In response to the Opinion dated 03/10/2008, the following changes according to Art. 34 PCT are submitted:

1. The following are hereby submitted

1.1 Claims

(Replacement pages 17, 22 and 23, version dated 03/12/2008)

1.1.1 New Claim 1

New claim 1 has been formed from original Claims 1 and 2

1.1.2 Original Claims 2

Original Claim 2 has been deleted.

1.1.3 New Claim 2

New Claim 2 has been formed from characterizing features of original Claim 2, in combination with page 6, paragraph 2 of the Specification.

1.1.4 Original Claims 3 to 34

Original Claims 3 to 34 are unchanged.

1.1.5 New Claims 35 and 36

New Claims 35 and 36 have been formed from characterizing features found on page 6, paragraph 2, page 11 paragraph 2, and on page 2, paragraph 4 of the Specification.

1.1.6 New Claim 37

New Claim 37 has been formed from characterizing features of the original Claim 35 and from characterizing features found on page 11, paragraph 2 of the Specification.

1.1.7 New Claims 38 and 39

Original Claims 36 and 37 have been renumbered as new Claims 38 and 39 and references to preceding claims has been revised.

1.1.8 New Claims 40, 41 and 42

New Claims 40, 41 and 42 have been formed from characterizing features found on page 6, paragraph 2, page 11, paragraph 2, and page 2, paragraph 4 of the Specification.

1.2. Introduction to the Specification

(Replacement pages 1, 2 and 2a, version dated 03/12/2008)

The phrase "of Claim 1 or 35" has been changed to "of Claim 1 or 37."

US 3 701 316 A and US 4 036 131 A have been cited.

2. Regarding the Inventive Step

As the assigned examiner has correctly stated, US 3 701 316 or US 4 036 131 A might disclose the closest prior art, as in these, the dampening forme roller is engaged against the ink forme roller for the purpose of washing. However, in these documents only this single dampening forme roller is washed. The new claims clarify that in the present invention (a plurality of) rollers of the dampening unit can be washed.

The two prior art documents offer no suggestion in this regard. Moreover, this is not possible due to the geometric arrangement of the rollers.

3. Interview

Should the Examination Department still have doubts with regard to the inventive step of the filed patent claims, an

INTERVIEW

is requested prior to preparation of the International Preliminary Examination Report.

Claims

1. Printing couple (01) of a rotary printing press with a forme cylinder (02), an inking unit (06) that cooperates with the forme cylinder (02) and has a plurality of rollers (08; 09; 11; 13; 14; 16; 17; 18), a dampening unit (07) that cooperates with the forme cylinder (02) and has a plurality of rollers (21; 22; 23), and at least one washing device (26; 38) that cooperates with one of the rollers (08; 09; 11; 13; 14; 16; 17; 18; 21; 22; 23) to wash the inking unit (06) and/or the dampening unit (07), wherein the inking unit (06) has a plurality of ink forme rollers (08; 09; 11), which during print operation are engaged directly against the forme cylinder (02), wherein the dampening unit (07) has at least one dampening forme roller (23), which during print operation is engaged directly against the forme cylinder (02), in that in the washing position, an ink forme roller (08) of the plurality of ink forme rollers (08; 09; 11) and the dampening forme roller (23) are engaged directly against one another, characterized in that at least the ink forme roller (08) or dampening forme roller (23), which can be displaced between an initial position and a washing position, connects rollers (08; 09; 11; 13; 14; 16; 17; 18) of the inking unit (06) and rollers (21; 22; 23) of the dampening unit (07) to form a shared roller train when in its washing position.
2. Printing couple (01) of Claim 1, characterized in that in the washing position, rollers (08; 09; 11; 13; 14; 16; 17; 18) of the inking unit (06) and a plurality of dampening unit rollers (21; 22; 23) of the dampening unit (07) are connected to form a shared roller train.
3. Printing couple of Claim 1, characterized in that when the ink forme roller (08) is in its washing position, it is not in contact with the forme cylinder (02).
4. Printing couple of Claim 1, characterized in that when the dampening forme roller (23) is in its washing position, it is not in contact with the forme cylinder (02).

5. Printing couple of any one of the preceding claims, characterized in that the displaceable ink forme roller (08) or dampening forme roller (23) is mounted so as to be pivotable between its initial position and its washing position.
6. Printing couple of Claim 5, characterized in that the displaceable ink forme roller (08) or dampening forme roller (23) is mounted so as to be pivotable around the rotational axis of an adjacent roller (17 or 22, respectively).
7. Printing couple of Claim 1, characterized in that the inking unit (06) and the dampening unit (07) is not connected via inking rollers or dampening rollers during print operation.
8. Printing couple of Claim 1, characterized in that the dampening unit (07) is embodied as a dampening unit (07) which applies dampening agent in a contactless manner.
9. Printing couple of any one of the preceding claims, characterized in that at least the displaceable ink forme roller (08) or dampening forme roller (23) is arranged so as to be capable of radial travel, wherein the radial travel refers to the eccentric displacement of the axis of this ink forme roller (08) or dampening forme roller (23), or of at least one end of this ink forme roller (08) or dampening forme roller (23), in relation to a bearing point belonging to the ink forme roller (08) or dampening forme roller (23).
10. Printing couple of Claim 12, characterized in that the displaceable inking unit roller (08) or dampening unit roller (23) is capable of radial travel with respect to a position in which it cooperates with the forme cylinder (02) and a position that is offset from the same, and is also pivotable between the first position and the washing position.

11. Printing couple of Claim 1, characterized in that the forme cylinder (02) is a plate cylinder (02).
12. Printing couple of any one of the preceding claims, characterized in that the printing couple (01) is embodied as a printing couple (01) of a satellite printing unit.
13. Printing couple of any one of the preceding claims, characterized in that the printing couple (01) is embodied as a printing couple (01) of a web-fed rotary offset printing press.
14. Printing couple of any one of the preceding claims, characterized in that the at least one washing device (26; 38) comprises a washing blade (27), which cooperates with a roller (18).
15. Printing couple of Claim 14, characterized in that the washing blade (27) or the roller (18) is pivotably mounted.
16. Printing couple of Claim 14 or 15, characterized in that the roller (18) that cooperates with the washing blade (27) is a distribution roller (18) of the inking unit (05).
17. Printing couple of Claim 1, characterized in that the at least one displaceable ink forme roller (08) or dampening forme roller (23) can be moved by means of at least one actuator (24), which is assigned exclusively to this roller (08; 23).
18. Printing couple of Claim 1 or 17, characterized in that the rollers (09; 23; 08) that are directly adjacent to the displaceable ink forme roller (08) or dampening

forme roller (23) can be moved by means of at least one actuator (24), which is assigned exclusively to these rollers (09; 23; 08).

19. Printing couple of Claim 1, characterized in that the inking unit (06) comprises at least two distribution rollers (17; 18).

20. Printing couple of Claim 19, characterized in that at least one of the distribution rollers (17; 18) is driven by a drive motor (37) which has no positive connection with the forme cylinder (02).

21. Printing couple of Claim 19, characterized in that the at least two distribution rollers (17; 18) are driven by a shared drive motor (37).

22. Printing couple of Claim 20 or 21, characterized in that the drive motor (37) actuates each of the two distribution rollers (17; 18) to axial movement.

23. Printing couple of Claim 20, 21 or 22, characterized in that the drive motor (37) actuates at least one of the two distribution rollers (17; 18) to rotational movement.

24. Printing couple of Claim 20, characterized in that at least one of the two distribution rollers (17; 18) is coupled with the drive motor (37) via a transmission (42).

25. Printing couple of Claim 24, characterized in that the transmission (42) is embodied as an oscillating transmission (42).

26. Printing couple of Claim 20, 21, 22 or 23, characterized in that the drive motor

(37) actuates both distribution rollers (17; 18) into rotation together only during the washing process.

27. Printing couple of Claim 1, characterized in that the inking unit (06) has exactly three ink forme rollers (08; 09; 11).

28. Printing couple of Claim 1, characterized in that the dampening unit (07) has exactly one dampening forme roller (23).

29. Printing couple of Claim 1, characterized in that each of the ink forme rollers (08; 09; 11) can be moved via at least one actuator which is assigned to move only that specific ink forme roller (08; 09; 11).

30. Printing couple of Claim 1, characterized in that the dampening forme roller (23) can be moved via at least one actuator which is assigned to move only that specific dampening forme roller (23).

31. Printing couple of Claim 29 or 30, characterized in that each ink forme roller (08; 09; 11) or ink forme roller (08; 09; 11) can be moved by at least two actuators (24).

32. Printing couple of Claim 31, characterized in that both ends of each ink forme roller (08; 09; 11) or dampening forme roller (21; 22; 23) are arranged in a roller socket, and in that the at least one actuator is arranged in said roller socket.

33. Printing couple of Claim 1, characterized in that two oscillating distribution rollers (17; 18) are provided, and in that two ink forme rollers (09; 11) are engaged directly against the one distribution roller (18), and in that one ink forme roller

(08) is engaged directly against the other distribution roller (17).

34. Printing couple of Claim 1, characterized in that at least the inking unit (06) is driven by a drive motor (34), which is driven without a positive connection with the forme cylinder (02).
35. Printing couple of Claim 2, characterized in that in the washing position, rollers (08; 09; 11; 13; 14; 16; 17; 18) of the inking unit (06) and three dampening unit rollers (21; 22; 23) of the dampening unit (07) are connected to form a shared roller train.
36. Printing couple of Claim 2 or 35, characterized in that in the washing position, rollers (08; 09; 11; 13; 14; 16; 17; 18) of the inking unit (06) and dampening distribution roller (21), smoothing roller (22) and dampening forme roller (23) of the dampening unit (07) are connected to form a shared roller train.
37. Method for washing a dampening unit (07) of a printing couple (01) of a rotary printing press, which has an inking unit (06) that cooperates with a forme cylinder (02) and a dampening unit (07) that cooperates with the forme cylinder (02), wherein at least one displaceable ink forme roller (08) or dampening forme roller (23) is moved into a washing position, in which it defines a shared roller train between inking unit (06) and dampening unit (07), and wherein when the inking unit (06) is washed, the dampening unit (07) is washed at the same time with three dampening unit rollers (21; 22; 23) via the displaced roller (08; 23), wherein the ink forme roller (08) and the dampening forme roller (23) are engaged directly against one another.
38. Method of Claim 37, characterized in that the displaceable roller (08; 23) is a forme roller (08; 23) of the inking unit (06) or of the dampening unit (07).

39. Method of Claim 37 or 38, characterized in that the displaceable ink forme roller (08) or dampening forme roller (23) is moved from an operating position, in which it is close to the printing couple cylinder, to a washing position, in which it is more distant from the printing couple cylinder.
40. Method of Claim 37, characterized in that in the washing position, rollers (08; 09; 11; 13; 14; 16; 17; 18) of the inking unit (06) and a plurality of dampening unit rollers (21; 22; 23) of the dampening unit (07) are connected to form a shared roller train.
41. Method of Claim 40, characterized in that in the washing position, rollers (08; 09; 11; 13; 14; 16; 17; 18) of the inking unit (06) and three dampening unit rollers (21; 22; 23) of the dampening unit (07) are connected to form a shared roller train.
42. Method of Claim 40 or 41, characterized in that in the washing position, rollers (08; 09; 11; 13; 14; 16; 17; 18) of the inking unit (06) and dampening distribution roller (21), smoothing roller (22) and dampening forme roller (23) of the dampening unit (07) are connected to form a shared roller train.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,067	07/22/2009	Christian Bünner	WI.2897 PCT-US	7871
23294	7590	12/09/2010	EXAMINER	
JONES, TULLAR & COOPER, P.C. P.O. BOX 2266 EADS STATION ARLINGTON, VA 22202			ART UNIT	PAPER NUMBER
			2854	
			MAIL DATE	DELIVERY MODE
			12/09/2010	PAPER

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

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



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JONES, TULLAR & COOPER, P.C.
P.O. Box 2266 Eads Station
Arlington, VA 22202

In re Application of
Christian BüNNER, et al.

Application No.: 12/449,067

Filed: 22 July 2009

Attorney Docket No.: W1.2897 PCT-US

**For: PRINTING UNIT OF A ROTARY
PRINTING PRESS AND A METHOD
FOR WASHING A DAMPENING UNIT
OF A PRINTING UNIT**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and petition under 37 CFR 1.102(d) to participation, filed 25 October 2010.

The request and petition are DENIED.

Discussion

A petition to participation for the above-identified application in the PCT Patent Prosecution Highway (PPH) pilot program was received 17 February 2010. A decision dismissing the petition, was mailed on 25 March 2010. The decision set a non-extendable time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date to corrected deficiency/deficiencies in the petition. The Applicant was reminded that they are given ONE opportunity within the time period to correct the deficiencies. On 20 April 2010 a renewed request to participation in the PCT-PPH pilot program was received. On 26 June 2010 a decision denied the renewed request to participation in the PCT-PPH pilot program. A second request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and petition under 37 CFR 1.102(d) was filed on 25 October 2010. Petitioner is again reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for participation in the Patent Prosecution Highway (PPH) pilot program in this application will not be entertained.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

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

Michael Day

TQAS

Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

**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): 12/449,092	Patent Number (if applicable):
First Named Inventor: Hiroyuki Sato	Title of Invention: Aromatic Polyester Resin Composition

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 /Michael R. Davis/ <small>Digitally signed by /Michael R. Davis/ DN: cn=/Michael R. Davis/, o=WLP, ou, email=mdavis@wenderoth.com, c=US Date: 2011.06.03 10:19:40 -0400</small>	Date June 3, 2011
Name (Print/Typed) Michael R. Davis	Practitioner Registration Number 25,134
<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.	



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P.O. BOX 488
PITTSBURGH PA 15230-0488

MAILED
JUN 09 2011
OFFICE OF PETITIONS

In re Application of :
Sato et al. :
Application No. 12/449,092 : **DECISION ON PETITION**
Filed: November 18, 2009 :
Attorney Docket No. 10-134-US :

This is a decision on the request filed June 3, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 17, 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 1762 for re-mailing the Office action of February 17, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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

Nonprovisional Application Number or Control Number (if applicable): 12/449,095	Patent Number (if applicable):
First Named Inventor: Hiroyuki SATO	Title of Invention: Aromatic Polyester Resin Composition and Process for Production Thereof

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 /Michael R. Davis/ <small>Digitally signed by /Michael R. Davis/ DN: cn=/Michael R. Davis/, o=WLP, ou, email=mdavis@venderoth.com, c=US Date: 2011.05.27 12:53:44 -0400</small>	Date May 27, 2011
Name (Print/Typed) Michael R. Davis	Practitioner Registration Number 25,134
<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.	



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**REED SMITH LLP
P.O. BOX 488
PITTSBURGH PA 15230-0488**

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JUN 02 2011

OFFICE OF PETITIONS

:
: **DECISION ON PETITION**
:
:

In re Application of
Sato et al.
Application No. 12/449,095
Filed: November 18, 2009
Attorney Docket No. 10-094-US

This is a decision on the request filed May 27, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on December 30, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

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

This application is being referred to the Technology Center, Art Unit 1762 for re-mailing the Office action of December 30, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

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SEP 08 2011

OFFICE OF PETITIONS

In re Application of :
SEKIGUCHI :
Application No. 12/449,162 :
Filed: July 23, 2009 :
Attorney Docket No. 4700.P0365US :

DECISION ON PETITION

This is a decision on the petition, filed July 29, 2011, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely reply to the nonfinal Office action mailed December 8, 2010. A Notice of Abandonment was mailed on July 13, 2011.

Applicant files the above petition to withdraw holding of abandonment and states that, "This application was improperly abandoned as a Response was timely filed [sic] in the present application. After reviewing the Private Pair File Wrapper for the present application, Applicants' representative located the Response dated February 10, 2011 and found that it had been improperly scanned in at the Patent Office as a "Transmittal Letter". Applicants respectfully request that the Patent Office withdraw the holding of abandonment and continue the prosecution of the present application."

A review of Office records for the above-identified application did show that the response received February 14, 2011 was scanned in and coded incorrectly as a "Transmittal Letter". The terminal disclaimer submitted as part of the response on February 14, 2011 was scanned and coded in correctly.

It is noted that a supplemental response to include a proper terminal disclaimer was received on July 15, 2011.

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

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

This application is being referred to Technology Center AU 2814 for appropriate action by the Examiner in the normal course of business on the reply received February 14, 2011 and supplemented on July 15, 2011.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



06 AUG 2010

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27049
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P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of :
FONDREDE *et al* :
U.S. Application No.: 12/449,195 :
PCT No.: PCT/FR2008/000100 :
Int. Filing Date: 29 January 2008 :
Priority Date: 23 February 2007 :
Attorney Docket No.: 142331 :
For: SEVERING DEVICE WITH :
CONTROLLED TRIGGERING :

DECISION

This is a decision on the papers filed on 29 July 2009 asserting small entity status and requesting a refund of one-half the application fee.

BACKGROUND

On 28 July 2009, applicants filed papers for entry into the national stage of PCT/FR2008/000100 which included the large entity fees of \$980.00 for a national stage application.

On 29 July 2009, applicants purportedly filed a document titled "Small Entity Assertion and Request for Refund."

DISCUSSION

Applicants requested small entity status and a refund of one-half the \$980.00 fees paid. The original papers were not located in the application. Applicants resubmitted copies of these papers via facsimile on 19 February 2010.

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt of all the items listed thereon on the date stamped thereon by the PTO. See MPEP § 503. Applicants have provided a copy of their date-stamped filing receipt. The receipt clearly identifies the application and papers submitted with the name of applicants, attorney docket number and title. The receipt is stamped "OIPE JUL 29 2009" across its face.

Accordingly, applicants have provided *prima facie* evidence that the small entity assertion and request for refund was originally filed on 29 July 2009.

Request for Refund

37 CFR 1.28 (a) states, in part that:

A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

Applicants submitted the change in status to a small entity on 29 July 2009 which is within the three-month time period required.

CONCLUSION

Applicants' request for a refund pursuant to 37 CFR 1.28(a) is **GRANTED**.

Deposit Account No. 15-0461 has been credited with \$490.00 as authorized.

The above-captioned application will be sent to the appropriate Art Unit for examination.


James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



07 SEP 2010

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of	:	
YING, et al.	:	
U.S. Application No.: 12/449,227	:	DECISION ON PETITION
PCT No.: PCT/US2007/002536	:	
Int. Filing Date: 31 January 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: None	:	
Attorney Docket No.: S1507.70014US00	:	
For: POLYMER-COATED NANOPARTICLES	:	

This decision is in response to applicant's petition under 37 C.F.R. 1.47(a) filed 09 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 January 2007, applicant filed international application PCT/US2007/002536. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 31 July 2009.

On 29 July 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee.

On 07 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 09 August 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time and payment of the extension of time fee payment. The 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 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 has satisfied all four items and

it is therefore proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 31 January 2007 under 35 U.S.C. 363, and will be given a date of **09 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 inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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07 SEP 2010

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Centre for Advanced Materials and Department of Materials Science
Indian Association for the Cultivation of Science
2A&2B Raja S C Mullick Road, Jadavpur
Kolkata 700032
INDIA

In re Application of
YING, et al.
U.S. Application No.: 12/449,227
PCT No.: PCT/US2007/002536
Int. Filing Date: 31 January 2007
Priority Date: None
Attorney Docket No.: S1507.70014US00
For: POLYMER-COATED NANOPARTICLES

Dear Dr. Jana:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 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:

WOLF GREENFIELD & SACKS, P.C.
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UNITED STATES OF AMERICA



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MAR 31 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Panson et al.	:	
Application No.: 12/449,246	:	
PCT No.: PCT/EP2008/051033	:	
Int. Filing Date: 29 January 2008	:	DECISION
Priority Date: 31 January 2007	:	
Attorney Docket No.: 200603987-4	:	
For: Configuration Of Mobile Communication Devices	:	

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 05 April 2010.

DISCUSSION

In a Decision mailed on 17 February 2010, the declaration was not accepted under 37 CFR 1.497(d), without prejudice, because requirement (3) had not been satisfied. In response, applicants have filed a new "Assignee Consent..." document which identifies HPDC as the assignee of the entire right, title and interest in the instant application, and indicates reel and frame numbers where an assignment has been recorded in the USPTO. The document was signed by Kevin A. Hart, who asserts that he "is authorized to act on behalf of HPDC in this matter." The document states that "HPDC hereby consents to adding Adrian Mark Woodfine-Jones as a co-inventor in the above-identified U.S. application." For these reasons, requirement (3) now has been satisfied.

Since the declaration filed on 25 November 2009 is a copy of that filed on 30 July 2009, the surcharge under 37 CFR 1.492(h) paid on 25 November 2009 was not required, and is being refunded to applicants.

DECISION

The declaration filed on 30 July 2009 is **ACCEPTED** under 37 CFR 1.497(d), without prejudice.

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 **30 July 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



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In re Application of	:	PCT LEGAL ADMINISTRATION
Zussman et al	:	
Application No.: 12/449,261	:	DECISION ON
PCT No.: PCT/IL2008/000135	:	
Int. Filing Date: 31 January 2008	:	PETITION
Priority Date: 01 February 2007	:	
Attorney's Docket No.: 46763	:	UNDER 37 CFR 1.181
For: ALBUMIN FIBERS... USING SAME	:	

This decision is in response to the "PETITION UNDER 37 CFR §1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT," filed 30 December 2010, requesting the removal of the Notice of Abandonment mailed 09 November 2010 because the executed declaration was timely filed.

BACKGROUND

On 31 January 2008, applicant filed international application PCT/IL2008/000135, which claimed priority of an earlier application filed 01 February 2007.

On 30 July 2009, applicants filed a Transmittal letter 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 15 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 must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment.

On 15 February 2010, applicants filed an executed declaration, the extension fee and the surcharge fee for filing a declaration after 30 months from the priority date.

On 09 November 2010, the Office erroneously mailed a "NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) or (g)" which indicated that the above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/15/2009.

On 30 December 2010, applicants filed the instant petition under 37 CFR 1.181 requesting that the withdrawal of holding of abandonment mailed on 09 November 2010 because the executed declaration was timely filed.

DISCUSSION

A review of the file shows that applicants responded to "Notice of Missing Requirements (Form PCT/DO/EO/905)" mailed on 15 October 2009. Applicants filed a properly executed declaration timely within the two(2) months of extensions of time on 15 February 2010.

Consequently, the aforementioned application was improperly abandoned.

CONCLUSION

For reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment mailed 09 November 2010 was in error and is hereby **VACATED**.

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
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PCT LEGAL ADMINISTRATION

In re Application of:	:	
FARIA, Julio, Joseph, et al.	:	
U.S. Application No.: 12/449,314	:	DECISION ON PETITION UNDER
PCT No.: PCT/GB2008/000325	:	37 CFR 1.47(b)
International Filing Date: 31 January 2008	:	
Priority Date: 31 January 2007	:	
Attorney's Docket No.: DEHN 7 PCT	:	
For: IMPROVEMENTS IN OR	:	
RELATING TO BRAKE AND	:	
CLUTCH DISCS	:	

This decision is issued in response to the "Petition Under 37 CFR 1.47(b)" filed 12 July 2010. The required petition fee has been paid.

BACKGROUND

On 31 January 2008, international application PCT/GB2008/000325 was filed. The application claimed a priority date of 31 January 2007, and it designated the United States. On 07 August 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., 31 July 2009.

On 31 July 2009, a Transmittal Letter for entry into the national stage in the United States was filed accompanied by, among other materials, payment of the small entity basic national fee and an application data sheet (ADS).

On 05 January 2010, 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 was required.

On 12 July 2010, a response to the Notification Of Missing Requirements was filed (with required extension fee). The response included payment of the required surcharge and the petition under 37 CFR 1.47(b) considered herein. The petition requests acceptance of the application without the signature of the inventor of record, whom petitioner asserts has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (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 non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof of 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 damages.

Regarding item (1), petitioner has submitted the required petition fee. Item (1) is therefore satisfied.

Regarding item (2), where it is asserted that the inventor has refused to execute the application papers, section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states that 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 requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." In addition, the MPEP states that: "[w]hen 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."

Here, the petition includes a firsthand statement confirming that the non-signing inventor has been presented with a request for signature and a copy of the patent application, and that the inventor has expressly refused to execute the declaration. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (2) is therefore satisfied.

Regarding item (3), the petition does not include an express statement of the last known address of the non-signing inventor. Item (3) is therefore not satisfied.

Regarding item (4), the petition does not include an oath or declaration executed by the 37 CFR 1.47(b) applicant Surface Transforms plc ("Surface Transforms") on behalf of and as agent for the non-signing inventor; see MPEP section 409.03(b). Item (4) is therefore not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

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.

Here, Surface Transforms asserts a proprietary interest based on the inventor's written employment agreement and United Kingdom law.

With respect to petitioner's reliance on the inventor's written employment agreement, section 409.03(f) of the MPEP states the following (emphasis added):

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. **When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.**

Here, petitioner has provided a copy of a portion of the employment agreement between the inventor and Surface Transforms; however, a copy of the complete agreement is required.. In addition, petitioner has not provided the required statement confirming on firsthand knowledge that the invention underlying the present application occurred during the course of the inventor's employment, as required before any determination can be made as to whether the present invention may fall within the scope of the employment agreement. Thus, the employee agreement does not, on the present record, adequately demonstrate that the inventor was obligated to assign the present invention to Surface Transforms.

With respect to the assertion of proprietary interest based on applicable law, petitioner has failed to provide the materials required to support such an assertion, as described in section 409.03(f) of the MPEP. Specifically, petitioner has failed to provide:

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.

Based on the above, petitioner has failed to provide all the materials required to demonstrate a proprietary interest in the present application based on either the inventor's employment agreement or applicable law. Item (5) is therefore not satisfied.

Regarding item (6), the petition includes the required statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The petition under 37 CFR 1.47(b) 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(b)" and must include the materials required to satisfy elements (3), (4) and (5) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely 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.



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



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107 WEST MICHIGAN AVENUE
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In re Application of:
FARIA, Julio, Joseph
U.S. Application No.: 12/449,314
PCT No.: PCT/GB2008/000325
International Filing Date: 31 January 2008
Priority Date: 31 January 2007
Attorney's Docket No.: DEHN 7 PCT
For: IMPROVEMENTS IN OR
RELATING TO BRAKE AND
CLUTCH DISCS
DECISION ON RENEWED
PETITION UNDER
37 CFR 1.47(b)

This decision is issued in response to the "Renewed Petition Under 37 CFR § 1.47(b)"
filed 24 January 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision
mailed on 19 August 2010. The decision dismissed without prejudice the petition under 37 CFR
1.47(b) filed on 12 July 2010, finding that petitioner had not satisfied all the requirements of a
grantable petition. Specifically, petitioner had not provided an express statement of the last
known address of the non-signing inventor, an oath or declaration executed by the 37 CFR
1.47(b) applicant on behalf of and as agent for the non-signing inventor, and an acceptable
showing of the 37 CFR 1.47(b) applicant's proprietary interest in the application.

On 24 January 2011, petitioner filed the "Renewed Petition Under 37 CFR § 1.47(b)"
considered herein (with required extension fee).

DISCUSSION

The present renewed petition includes an express statement of the last known address of
the non-signing inventor, satisfying this requirement of a grantable petition under 37 CFR
1.47(b). The renewed petition also includes a "Renewed Statement Under 37 CFR § 1.47(b)"
from Kevin Johnson, the Managing Director of 37 CFR 1.47(b) applicant Surface Transforms plc
("Surface Transforms") stating the facts relevant to petitioner's proprietary interest in the
application, as well as a legal memorandum executed by attorney Clive Duncan Thorne which
concludes that, under the applicable law and facts, the invention underlying the present
application belongs to Surface Technologies. These materials, in combination with the

accompanying exhibits and the materials previously submitted, provide an acceptable showing that Surface Technologies has the required proprietary interest in the present application, satisfying this element of a grantable petition under 37 CFR 1.47(b).

The final element of a grantable petition is an acceptable declaration executed by Surface Transforms on behalf of and as agent for the non-signing inventor. The renewed petition is accompanied by an executed declaration; however, the declaration does not include all required information. Specifically, the declaration does not identify the name and title of the person signing the declaration on behalf of Surface Transforms and indicate that this person has either express or apparent authority to act on behalf of Surface Transforms, as required where a declaration is executed on behalf of a non-signing inventor by a corporation, and it does not set forth the citizenship of the non-signing inventor, as also required (see MPEP section 409.03(b)(A)). Because the declaration filed with the renewed petition does not include all required information, the declaration cannot be accepted in satisfaction of the declaration requirement of a grantable petition under 37 CFR 1.47(b). Accordingly, this final element of a grantable petition under 37 CFR 1.47(b) remains unsatisfied on the present record.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) 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 be entitled "Second Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy the final outstanding requirement of a grantable petition, that is, an acceptable declaration executed by an authorized representative of 37 CFR 1.47(b) applicant Surface Technologies on behalf of and as agent for the non-signing inventor, with such declaration including all required information (including the name and title of the signing person and the citizenship of the non-signing inventor), as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely 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
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Telephone: (571) 272-3296



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PCT LEGAL ADMINISTRATION

In re Application of: :
FARIA, Julio, Joseph :
U.S. Application No.: 12/449,314 :
PCT No.: PCT/GB2008/000325 :
International Filing Date: 31 January 2008 :
Priority Date: 31 January 2007 :
Attorney's Docket No.: DEHN 7 PCT :
For: IMPROVEMENTS IN OR :
RELATING TO BRAKE AND :
CLUTCH DISCS :

DECISION ON SECOND
RENEWED PETITION UNDER
37 CFR 1.47(b)

This decision is issued in response to the "Second Renewed Petition Under 37 CFR 1.47(b)" filed 11 July 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed on 19 August 2010 and 08 April 2011. The 08 April 2011 decision indicated that there was one outstanding requirement for a grantable petition, specifically, an acceptable oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor.

On 11 July 2011, petitioner filed the "Second Renewed Petition Under 37 CFR § 1.47(b)" considered herein (with required extension fee).

DISCUSSION

The present renewed petition includes a revised declaration executed on behalf of the non-signing inventor by an authorized Director of 37 CFR 1.47(b) applicant Surface Transforms. This declaration properly identifies the person executing the declaration on behalf of the 37 CFR 1.47(b) applicant, and it includes all required information, including the citizenship of the non-signing inventor. This declaration may be accepted in satisfaction of the final outstanding requirement 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 inventor Julio Joseph FARIA.

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 11 July 2011.

/RichardMRoss/

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



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

Mr. Julio Joseph FARIA
25 Bramley Court
Kelsall, Cheshire
CW6 0RF
ENGLAND

MAILED
SEP 06 2011
PCT LEGAL ADMINISTRATION

In re Application of: FARIA, Julio, Joseph
U.S. Application No.: 12/449,314
PCT No.: PCT/GB2008/000325
International Filing Date: 31 January 2008
Priority Date: 31 January 2007
Attorney's Docket No.: DEHN 7 PCT
For: IMPROVEMENTS IN OR RELATING TO BRAKE AND CLUTCH DISCS

Dear Mr. FARIA:

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.

/RichardMRoss/

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

Counsel Of Record:
THE FIRM OF HUESCHEN AND SAGE
SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO MI 49007



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JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN VA 22101

MAILED

NOV 17 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
ZEUTHEN, et al.	:	
Application No.: 12/449,317	:	
PCT No.: PCT/DK2008/000046	:	DECISION ON PAPERS
Int. Filing Date: 01 February 2008	:	
Priority Date: 01 February 2007	:	UNDER 37 CFR 1.42
Attorney Docket No.: PATRADE	:	
For: A ROTATIONAL MAGNETIC BEARING	:	
WITH PERMANENT MAGNETS,	:	
PREFERABLY FOR A WIND TURBINE	:	

This decision is in response to applicant filing of 24 June 2010. The declaration filed is being treated as a renewed request for status under 37 CFR 1.42. No petition fee is due.

In a decision mailed by this Office on 21 May 2010, the declaration filed by applicant on behalf of deceased inventor Steffen Zeuthen was dismissed for failure to provide a compliant oath or declaration under 37 CFR 1.497.

On 24 June 2010, applicant filed a response to the previous decision. Applicant has confirmed that the residence and mailing information provided on the declaration previously filed on 02 March 2010 is the same for both the signing heir, Siri Bergh and the deceased inventor. As such it is proper to grant applicant's request at this time.

The request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 01 February 2008 under 35 U.S.C. 363 and will be given a date of **02 March 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE, WI 53403-2236

MAILED
NOV 23 2011
OFFICE OF PETITIONS

In re Application of Przepasniak :
Application No. 12/449,410 :
Int'l Filing Date: February 5, 2008 : Decision on Request
Attorney Docket No. J-4758A :
Pub. No.: US 2010/0319152 A1 :
Pub. Date: December 23, 2010 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed June 1, 2011.

The request is **dismissed**.

Applicant requests the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

[Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than 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 mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, 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 instant request for corrected publication was filed June 1, 2011, which is more than two months after the application published. Therefore, the request is untimely. In addition, the mistake identified in the instant request is not a material Office mistake as required under

¹ See Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). See also Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

37 C.F.R. § 1.221(b). Specifically, the mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, 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. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicant is advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 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 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links 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 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

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

Applicant has combined a request for issuance of a corrected patent application publication and a request for issuance of a corrected filing receipt into a single paper. The instant decision only addresses the request for republication. If Applicant wishes to obtain a corrected filing receipt, a separate paper requesting issuance of such a receipt should be filed. *See* 37 C.F.R. § 1.4(c) ("Since different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper.")

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Christopher Bottorff
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,453	08/07/2009	Eiji Fukushiro	142471	7303
25944	7590	11/07/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			BROADHEAD, BRIAN J	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3665	
			NOTIFICATION DATE	DELIVERY MODE
			11/07/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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NOV 04 2011

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

In re application of
Fukushiro et al
Application No. 12/449,453
Filed: August 07, 2009
For: VEHICLE CONTROL DEVICE
AND CONTROL METHOD OF
VEHICLE CONTROL DEVICE

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

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

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office 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 August 11, 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: 11/03/11

24 AUG 2010



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SABIC AMERICAS, INC.
1600 INDUSTRIAL BLVD.
SUGAR LAND TX 77478

In re Application of	:	
Tait et al.	:	
Application No.: 12/449,506	:	
PCT No.: PCT/EP2008/001336	:	
Int. Filing Date: 20 February 2008	:	DECISION
Priority Date: 22 February 2007	:	
Attorney Docket No.: 1018-US-PCT	:	
For: Supported Catalyst For The Preparation Of (CO)	:	
Monomers Of Ethylenically Unsaturated Monomers:	:	

This is in response to the declaration filed on 10 May 2010.

BACKGROUND

International application PCT/EP2008/001336 was filed on 20 February 2008, claimed an earlier priority date of 22 February 2007, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 28 August 2008. The period for payment of the basic national fee in the United States expired as of midnight on 22 August 2009. Applicants filed *inter alia* a basic national fee on 11 August 2009.

On 14 October 2009, 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 22 March 2010, applicants filed a response, including a declaration.

On 09 April 2010, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, objecting to certain discrepancies in the inventors' names.

DISCUSSION

Applicants assert that the "correction of the spelling" of the names of the third and fourth inventors was made "in their own hand" and implies that the discrepancies arose by way of "a typographical or transliteration error." Despite this explanation, the declaration filed on 10 May 2010 is defective because the alterations were not initialed by the inventors contemporaneously with their execution of the declaration. However, review of the declaration filed on 22 March 2010 reveals that, in view of counsel's explanation and the policy explained at MPEP 1893.01(e), said declaration is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declarations filed on 22 March 2010 is **ACCEPTED** under 37 CFR 1.497(a) and (b), as described above.

Application No.: 12/449,506

-2-

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 **22 March 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



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December 21, 2011

National Institutes of Health
c/o Polsinelli Shugart PC
161 N. Clark Street
Suite 4200
Chicago IL 60601

In re Application of :
Koretsky, Alan P. et al : **DECISION ON PETITION**
Application No. 12,449,514 :
Filed: 08/12/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. E-0207/000-US-03 : **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) August 12, 2009..

The petition is **GRANTED**.

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

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

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

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

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,685	08/20/2009	Akira Hasuike	488-036	6261
47888	7590	09/30/2010	EXAMINER	
HEDMAN & COSTIGAN, P.C. 1230 AVENUE OF THE AMERICAS 7th floor NEW YORK, NY 10020			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	
			MAIL DATE	DELIVERY MODE
			09/30/2010	PAPER

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

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



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Hedman & Costigan PC
1185 Avenue of the Americas
New York, NY 10036

In re Application of: HASUIKE et al.
Application No. 12/449,685
Filed August 20, 2009
For: Image display updating method, server
client system and drawing operation echo.

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 renewed petition under 37 CFR 1.102(a), filed July 16, 2010 to make the above-identified application special.

The petition is **GRANTED**.

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

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

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

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

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

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

- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

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

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

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

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

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

The petition is **GRANTED**.

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

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

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

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

/Mano Padmanabhan/

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



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MAILED

AUG 31 2011

PCT LEGAL ADMINISTRATION

COOPER & DUNHAM, LLP
30 Rockefeller Plaza, 20th Floor
NEW YORK NY 10112

In re Application of: KIM, Sung, Eon	:	
U.S. Application No.: 12/449,714	:	DECISION ON REQUEST
PCT No.: PCT/KR2008/002650	:	FOR WITHDRAWAL AS
International Filing Date: 13 May 2008	:	ATTORNEY OF RECORD
Priority Date: 14 May 2007	:	
Attorney's Docket No.: 6342/80812	:	
For: METHOD OF MANUFACTURING THE	:	
STUFFING OF PILLOW ...	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PTO/SB/83) filed 27 June 2011.

The Form PTO/SB/83 is signed by appointed attorney Norman H. Zivin and it confirms that he has: (1) given reasonable notice to the client of the intent to withdraw; (2) delivered to the client all papers and property to which the client is entitled, and (3) notified the client of any responses that may be due and the time frame for such responses. The Form PTO/SB/83 also sets forth the reason for the withdrawal (specifically, the reasons set forth in 37 CFR 10.40 (c)(1)(iv) and (vi)). Finally, the request was timely filed prior to the expiration of any pending period for reply in the application, and it clearly indicates that it is intended for all the practitioners of record.

Based on the above, the requirements for a grantable request to withdraw as attorneys of record herein have been satisfied with respect to the appointed practitioners of record (as listed on the executed "Declaration And Power Of Attorney" filed on 15 March 2010). The request for withdrawal as attorneys of record is therefore appropriately **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing, including: (1) updating USPTO records to remove the withdrawing attorneys of record; and (2) updating the correspondence address of record to that of the sole applicant/inventor, as set forth in the Form PTO/SB/83.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3296



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,716	08/24/2009	Naoto Suzuki	142641	6664
25944	7590	11/08/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			TSO, EDWARD H	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			2858	
			NOTIFICATION DATE	DELIVERY MODE
			11/08/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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

NOV 8 2011

**In re Application of
SUZUKI et al.
Application No.: 12/449,716
Filed: August 24, 2009
Attorney Docket No.: P56420-02**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 13, 2011, to make the above-identified application special.

The request and petition are **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 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 this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,725	08/24/2009	Ariel Sverdlik	46828	1866
67801	7590	07/21/2011	EXAMINER	
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.			IP, JASON M	
P.O. BOX 16446			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22215			3777	
			MAIL DATE	DELIVERY MODE
			07/21/2011	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Application/Control Number: 12/449,725

Art Unit: 3777

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

In re Application of: Sverdlik et al. :
Appl. No.: 12/449725 : DECISION ON PETITION
Filed: February 21, 2008 :
For:
TREATING WEAKENED VESSEL
WALL SUCH AS VULNERABLE
PLAQUE OR ANEURYSMS :

This is a decision on the petition filed on by which petitioners request acceptance of the color drawings, although not specifically identified but noted as, figures 13-14 be accepted in lieu of black and white drawings.

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

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

The petition was filed with the required fee and sets of color drawings. The specification was not amended with the required specific language as stated above in the brief description of drawings in accordance with 37 C.F.R. 1.121(h).

Petition is DENIED.

/Tse Chen/
Supervisory Patent Examiner, Art Unit 3777



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of
Samuel Leyton SIMPSON
Application No.: 12/449,772
Filed: September 3, 2009
Attorney Docket No.: 142676
For: Component Joining

: 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 August 30, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

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

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

along with an English translation thereof.

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

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

However, the request to participate in the PPH pilot program and petition fail to meet requirement (5).

Regarding the requirement of condition (5), A non-final action was issued for this application on December 9, 2011.

Telephone inquiries concerning this decision should be directed to Joanne Hama at 571-272-2911 or to David Bucci 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>.


Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, LLP
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON, DC 20005-1503

MAILED
JUL 12 2011
OFFICE OF PETITIONS

Applicant: Nakajima et al.
Appl. No.: 12/449,833
International Filing Date: February 27, 2008
Title: CELLS CAPABLE OF EXPRESSING LACRITIN AT HIGH LEVEL
Attorney Docket: 2009_1341A
Pub. No.: US 2010/0183572 A1
Pub. Date: July 22, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 17, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in pages 2 - 6 of the specification.

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

The errors noted by requestor wherein on page 2 of the specification the phrase “pCI-neo vector” was printed as pCI-neo is vector” and “A preferred” was printed as “A to preferred”; page 3 “Invest Ophthalmol Vis Sci.” was printed as “Invest Ophthalmol Vis Sci.” and on pages 3, 4, 5 and 6 “°C” was printed as °C₂” maybe Office errors but they are not material Office errors as defined under 37 CFR 1.221(b). These are clearly typographical errors, thus one of ordinary skill in the art would clearly understand the nature of the typographical error. This error therefore does not affect the public’s ability to appreciate the technical disclosure of the patent application

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, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

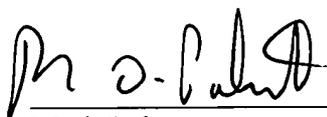
OR

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication” and questions or request for reconsideration of the decision, should be addressed as follows:

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

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles CA 90013

MAILED

SEP 27 2011

OFFICE OF PETITIONS

In re Application of :
Scott Raymond Matics, et al. :
Application No. 12/449,859 : **DECISION ON PETITION**
Filed: August 31, 2009 :
Attorney Docket No. 033163-00444 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 26, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 26, 2011. Accordingly, the date of abandonment of this application is August 27, 2011. The Notice of Abandonment was mailed September 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAR 07 2011

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

HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

PCT LEGAL ADMINISTRATION

In re Application of	:	
WEN, Haibo	:	
Application No.: 12/449,920	:	
PCT No.: PCT/CN2008/000133	:	DECISION
Int. Filing Date: 18 January 2008	:	
Priority Date: 30 April 2007	:	ON PETITION UNDER
Docket No.: 29250H-000017/US	:	
For: METHOD AND MEANS FOR	:	37 CFR 1.181
SUPPORTING USER TERMINAL TO	:	
ACCESS NETWORK IN FIXED	:	
ACCESS NETWORK	:	

This decision is in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 21 December 2010.

BACKGROUND

On 03 September 2009, applicants filed a transmittal letter for entry into the National Phase in the United States, accompanied by, *inter alia*, payment of basic national, search and examination fees and a substitute specification.

On 29 December 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that a translation of the application into English and the processing fee for furnishing the translation after 30 months were required. The Notification set a two (2) month extendable period for reply.

On 07 January 2010, applicants filed "Response to Notice to File Missing Requirements of an Application," asserting that the 29 December 2009 Notification of Missing Requirements was in error because applicants had filed a substitute specification and that neither an English translation of the international application nor the processing fee were required.

On 13 December 2010, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned as applicant failed failure to respond to the Notification of Missing Requirements mailed 29 December 2009 within the time period set therein.

On 21 December 2010, applicants filed this petition under 37 CFR 1.181.

DISCUSSION

This application is abandoned.

Applicants filed a "response" to the Notification of Missing Requirements that supplied neither of the items requested. A translation of the international application is required under 35 USC 371(c)(2). See MPEP 1893.01(d). Applicants are permitted to amend an application. A substitute specification is an amendment, not a translation. 37 CFR 1.121. The submission of an amendment did not relieve applicant of the obligation to comply with the 35 USC 371 for national phase entry.

Applicants may wish to consider the filing of a petition under 37 CFR 1.137.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

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



HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

MAILED

MAY 27 2011

In re Application of	:	PCT LEGAL ADMINISTRATION
WEN, Haibo	:	
Application No.: 12/449,920	:	
PCT No.: PCT/CN2008/000133	:	DECISION
Int. Filing Date: 18 January 2008	:	
Priority Date: 30 April 2007	:	ON PETITION UNDER
Docket No.: 29250H-000017/US	:	
For: METHOD AND MEANS FOR	:	37 CFR 1.181
SUPPORTING USER TERMINAL TO	:	
ACCESS NETWORK IN FIXED	:	
ACCESS NETWORK	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 25 March 2011.

BACKGROUND

On 07 March 2011, the Office mailed Decision On Petition Under 37 CFR 1.181, dismissing applicant's petition without prejudice.

On 25 March 2011, applicants filed this renewed petition under 37 CFR 1.181.

DISCUSSION

On 29 December 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an English translation and the processing fee were required. In fact, although misidentified in the electronic file, the English translation was furnished on 03 September 2009.

As such, the Notification of Missing Requirements issued in error and is vacated.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/905 mailed 09 December 2009 and the Notification of Abandonment (Form PCT/DO/EO/909) mailed 13 December 2010 are **VACATED**.

Application No. 12/449,920

-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

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

**FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413**

**MAILED
FEB 06 2012
OFFICE OF PETITIONS**

In re Application of

Makoto Fujita et al.

Application No.: 12/449,925

Filed: September 10, 2010

Attorney Docket No.: 08384.0017-00000

**For: POLYMER COMPLEX HAVING
CHANNELS AND METHOD . . .**

POLYMER COMPLEX

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 27, 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 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 then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;

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

The request to participate in the PPH pilot program and petition fails meet condition (1).

Regarding the requirement of condition (1), the petition makes reference to 2009-504090, as the JP application number which claims priority to this U.S. application. Our records do not indicate that this application validly claims priority to U.S. application number 12/449,925.

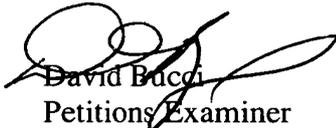
It should also be noted that the JPO office action and claims make reference to JP 2009-504090.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed 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>.



David Bucco
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

**FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413**

**MAILED
MAR 26 2012
OFFICE OF PETITIONS**

In re Application of

Makoto Fujita et al.

Application No.: 12/449,925

Filed: September 10, 2010

Attorney Docket No.: 08384.0017-00000

**For: POLYMER COMPLEX HAVING
CHANNELS AND METHOD ...
POLYMER COMPLEX**

**: 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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 21, 2012, 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

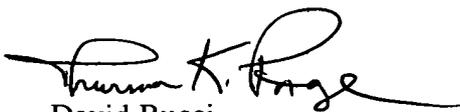
- ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - 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 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>.

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



David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

08 OCT 2010

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BOTKIN & HALL, LLP
105 E. JEFFERSON BLVD.
SUITE 400
SOUTH BEND, IN 46601

MAILED

OCT 08 1

PCT LEGAL ADMINISTRATION

In re Application of ROTH :
U.S. Application No.: 12/449,958 :
PCT Application No.: PCT/US2008/003863 :
Int. Filing Date: 25 March 2008 :
Priority Date Claimed: 26 March 2007 :
Attorney Docket No.: 587-006.002 :
For: CARRIER PIECE AND METHOD FOR :
PREPARING CULTURE MEDIA :

DECISION

This is in response to applicant's correspondence filed 05 August 2010, which is being treated as a renewed petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 25 March 2008, applicant filed international application PCT/US2008/003863, which claimed priority of an earlier United States application filed 26 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 28 September 2009.

On 04 September 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) and an executed declaration.

On 11 January 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 the declaration named an inventive entity different from that shown in the international application.

On 11 March 2010, applicant filed a petition under 37 CFR 1.181.

On 02 July 2010, this Office mailed a decision dismissing the 11 March 2010 petition.

On 05 August 2010, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

The renewed petition is accompanied by a copy of a Notification of the Recording of a Change (Form PCT/IB/306), which indicates that Geoffrey Roth has been added as an inventor in international application PCT/US2008/003863. Accordingly, the declaration filed on 04 September 2009 is proper.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 is GRANTED.

The portion of the Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) which required a new oath or declaration is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 25 March 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 September 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

13 AUG 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

LyondellBasell Industries
3801 WEST CHESTER PIKE
NEWTOWN SQUARE PA 19073

In re Application of	:	
BERTHOLD, Joachim, et al.	:	
Application No.: 12/450,050	:	DECISION ON
PCT No.: PCT/EP2008/002446	:	
Int. Filing Date: 28 March 2008	:	PETITION
Priority Date: 03 April 2007	:	
Attorney Docket No.: FR6371 (US)	:	UNDER 37 CFR 1.182
For: POLYETHYLENE MOLDING ...	:	
CONTAINERS PRODUCED	:	
THEREWITH	:	

This decision is in response to applicants' renewed Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 18 June 2010.

BACKGROUND

On 28 May 2010, the Office mailed Decision On Petition, dismissing applicants' petition under 37 CFR 1.182, without prejudice.

On 18 June 2010, applicants submitted a renewed petition under 37 CFR 1.182.

DISCUSSION

The statement from inventor Gerhardus Meier states that he is the inventor in application 12/450,050 and that the error in naming him occurred without deceptive intention on his part.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct applicant's name is **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



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

MAILED
NOV 24 2010
PCT LEGAL ADMINISTRATION

In re Application of COSTA et al :
U.S. Application No.: 12/450,148 :
PCT Application No.: PCT/EP2008/052805 :
Int. Filing Date: 10 March 2008 :
Priority Date Claimed: 12 March 2007 : DECISION
Attorney Docket No.: 2080.1318 :
For: METHOD AND DEVICE FOR :
PROCESSING DATA IN A NETWORK :
COMPONENT AND SYSTEM :
COMPRISING SUCH A DEVICE :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 05 August 2010.

BACKGROUND

On 10 March 2008, applicant filed international application PCT/EP2008/052805, which claimed priority of an earlier European Patent Office application filed 12 March 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 September 2008. The thirty-month period for paying the basic national fee in the United States expired on 14 September 2009.

On 14 September 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 20 January 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 March 2010, applicant filed a petition under 37 CFR 1.47(a).

On 05 May 2010, this Office mailed a decision dismissing the 22 March 2010 petition.

On 05 August 2010, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

Applicant previously satisfied items (1) and (3) 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 Elena Costa 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 Costa and that such papers were received by her (see affidavit of Andreas Geyer, ¶2, and translation of shipment status). Furthermore, the petition sufficiently illustrates that Costa refuses to sign. In particular, Costa's failure to return an executed declaration in response to the correspondence delivered to her constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Costa refuses to join in the application.

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

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 10 March 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 22 March 2010.

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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Elena Costa
Klara-Ziegler-Bogen 9a
81739 München
GERMANY

MAILED

NOV 24 2010

PCT LEGAL ADMINISTRATION

In re Application of COSTA et al
U.S. Application No.: 12/450,148
PCT Application No.: PCT/EP2008/052805
Int. Filing Date: 10 March 2008
Priority Date Claimed: 12 March 2007
For: METHOD AND DEVICE FOR
PROCESSING DATA IN A NETWORK
COMPONENT AND SYSTEM
COMPRISING SUCH A DEVICE

Dear Elena Costa:

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

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005
Attorney Docket No.: 2080.1318



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

MAILED

JAN 31 2012

OFFICE OF PETITIONS

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**In re Application of
TANAKA
Application No.: 12/450,165
Filed: September 14, 2009
Attorney Docket No.: 14888
For: CONTROL APPARATUS FOR
INTERNAL COMBUSTION ENGINE**

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

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

The request and petition are **DENIED**.

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 then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;

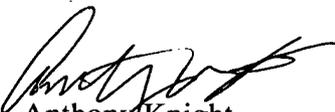
5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition fails to meet condition (4) above.

Regarding the requirement of condition (4), examination of the U.S. application has begun. Therefore, the request to participate in the PPH program and petition filed October 28, 2011, cannot be granted.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn (571) 272-6735.

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



Anthony Knight
Director
Office of Petitions



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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED

FEB 28 2012

OFFICE OF PETITIONS

In re Application of
Ratner et al.
Application No. 12/450,166
Filed: 02/08/2010
Attorney Docket No. 47252

:
:
:
:
:

ON PETITION

This is in response to the PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS, filed in the United States Patent and Trademark Office (USPTO) on November 19, 2009, which is treated as a petition under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The petition does not comply with 37 CFR 1.84(a)(2)(iii) in that the present petition does not include an amendment to the specification contained on a separate paper (See 37 CFR 1.121(h), nor is the amendment in compliance with 37 CFR 1.121(b). Rather, the amendment is physically part of the petition and is therefore unacceptable.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioner asserts that the necessity for the Color Drawings is needed to understand the graphs of Figures 5, 7, 9A and 9B, and to understand the dynamics of Figures 8A and 8B.

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

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

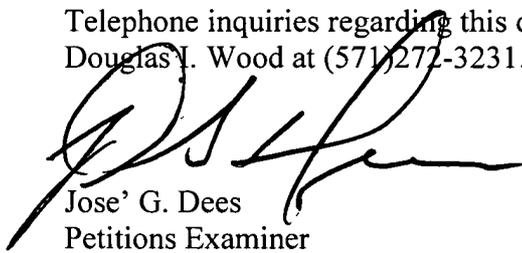
By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2857.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.



Jose' G. Dees
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.
12/450,209	12/22/2009	Dae Won Lee	8737.240.00	7719
30827	7590	08/18/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			YAO, KWANG BIN	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			2473	
			MAIL DATE	DELIVERY MODE
			08/18/2011	PAPER

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

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



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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of: Dae Won Lee.
Application No. 12450209
Filed: December 22, 2009
For: **METHOD FOR RECEIVING
ACK/NACK SIGNAL IN MOBILE
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), July 07, 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) 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 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 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 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>.

Application SN 12450209
Decision on Petition

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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JUL 08 2011

OFFICE OF PETITIONS

Harvard University & Medical School
c/o Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210-2206

In re Patent No. 7,974,325 :
Issued: 07/05/2011 :
Application No. 12/450,211 : **NOTICE**
Filed: 01/07/2010 :
Attorney Docket No. H0776.70038US01 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 15, 2011.

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.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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PAUL A. FATTIBENE
FATTIBENE & FATTIBENE
2480 POST ROAD
SOUTHPORT CT 06890

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
Rapparini :
Application No. 12/450,239 :
Filed: February 24, 2010 :
Attorney Docket No. P-2776 :

NOTICE

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



1 - SEP 2010

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of:	:	
LUNDGREN, Thomas, John, et al.	:	
U.S. Application No.: 12/450,244	:	DECISION ON PETITION UNDER
PCT No.: PCT/US2008/057493	:	37 CFR 1.47(a)
International Filing Date: 19 March 2008	:	
Priority Date: 20 March 2007	:	
Attorney Docket No.: 00758.219USWO	:	
For: AEROSOL SEPARATOR	:	
ASSEMBLY; COMPONENTS; AND,	:	
METHODS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR §1.47(a)" filed 12 August 2010. Deposit Account No. 13-2725 will be charged the required \$200 petition fee.

BACKGROUND

On 19 March 2008, applicants filed international application PCT/US2008/057493. The international application claimed a priority date of 20 March 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 September 2009.

On 18 September 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 13 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.

On 12 August 2010, applicants filed a response to the Notification Of Missing Requirements (with the required five-month extension fee). The response included payment of the required surcharge, declarations executed by three of the four inventors of record, and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the application without the signature of the remaining non-signing inventor, Bradley Allen HEMISH, 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 authorization to charge Deposit Account No. 13-2725 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 declarations executed by three of the four inventors of record, and the declarations include an unsigned signature block for the non-signing inventor, Bradley Allen HEMISH. 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. Item (3) is therefore satisfied.

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, the petition refers to efforts made to obtain the signature of the non-signing inventor. Specifically, the petition asserts that a signature request (accompanied by a copy of the application) was mailed to the last known address of the inventor in May 2010, that no response to this request was received, that a second signature request was forwarded to the same address on 03 August 2010, that the 03 August 2010 correspondence was returned to applicants by the USPS with a forwarding address, that the signature request was subsequently re-sent to the forwarding address provided by the USPS, and that no response to this request was received before the present petition was filed. Applicants have not, however, provided the required firsthand statement, with accompanying documentary support, confirming the above correspondence, nor have applicants provided any evidence that either of the signature requests

were received by the non-signing inventor. Such evidence is particularly important where, as here, applicants are requesting that the failure to respond to a signature request be interpreted as a refusal to sign. Finally, the most recent signature request, sent to the forwarding address obtained by applicants from the USPS, appears to have been mailed no more than one week before the present petition was filed. Even if the petition included the firsthand and documentary evidence required to confirm that such signature request was delivered to the inventor, applicants' failure to receive a response to such request in less than one week would not be sufficient to conclude that the inventor refused to execute the declaration.

Applicants must submit supplemental materials, including a firsthand statement with confirming documents, confirming the facts asserted in the present petition and demonstrating that a request for signature, accompanied by a copy of the complete application, was delivered to the non-signing inventor and that the inventor failed to provide (within a reasonable time) the signed declaration in response to such request. Until such materials are provided, it cannot be concluded that the non-signing inventor has refused to execute the declaration. Item (4) is therefore not satisfied.

Based on the above, applicants have failed to satisfy all the requirements of 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 (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



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



MAILED

FEB 04 2011

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

PCT LEGAL ADMINISTRATION

In re Application of	:	
KOULIK, et al.	:	DECISION ON PETITION
Serial No.: 12/450,257	:	
PCT No.: PCT/IB2008/000671	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 20 March 2008	:	
Priority Date: 21 March 2007	:	
Atty Docket No.: REUT-P0039	:	
For: STERILISATION OF LIQUIDS IN	:	
HERMETICALLY CLOSED VESSELS	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 03 January 2011 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of co-inventor Alexander Zavadtsev.

BACKGROUND

On 02 July 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 03 January 2011, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a three-month extension of time and payment of that extension of time fee. Applicant is advised that a three-month extension of time will only bring the response date to 02 December 2010. As authorized, applicant's deposit account will be charged the necessary four-month extension of time. (Response due 02 September 2010 plus four months to 02 January 2011. 02 January 2011 being a Sunday, the filing on 03 January 2011 is considered timely.)

DISCUSSION

As detailed in the decision mailed 02 July 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the filing of the renewed petition and supporting exhibits, applicant has satisfied the

remaining item showing that despite mailing the remaining inventor a complete set of application papers and instructions to sign and return the declaration, the inventor has refused to cooperate. As such, 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 20 March 2008 under 35 U.S.C. 363, and will be given a date of **21 April 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 inventor at his 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



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United States Patent and Trademark Office
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FEB 04 2011

PCT LEGAL ADMINISTRATION

Dr. Alexander Zavadtsev
4/61 oul. Kotosvkovo
Reutov 143965
RUSSIA

In re Application of
KOULIK, et al.
Serial No.: 12/450,257
PCT No.: PCT/IB2008/000671
Int. Filing Date: 20 March 2008
Priority Date: 21 March 2007
Atty Docket No.: REUT-P0039
For: STERILISATION OF LIQUIDS IN
HERMETICALLY CLOSED VESSELS

Dear Dr. Zavadtsev:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 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:
BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204
UNITED STATES OF AMERICA



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NOV 30 2011

PCT LEGAL ADMINISTRATION

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

In re Application of :
MACE, Gael, et al. :
Application No.: 12/450,260 :
PCT No.: PCT/EP2008/053180 :
Int. Filing Date: 17 March 2008 :
Priority Date: 20 March 2007 :
Att. Docket No.: PF070028 :
For: VIRTUAL MULTIMEDIA MATRIX :
OVER PACKET SWITCHED :
NETWORK :

DECISION

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 23 September 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 required 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 Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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

MAILED

OCT 15 2010

PCT LEGAL ADMINISTRATION

In re Application of :
CHANG, et al. : DECISION ON PETITION
Serial No.: 12/450,267 :
PCT No.: PCT/EP2008/053163 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 17 March 2008 :
Priority Date: 19 March 2007 :
Atty Docket No.: 2080.1320 :
For: METHOD AND APPARATUS FOR :
CONFIGURING MODE TIMERS :

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 29 July 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 17 March 2008, applicant filed international application PCT/EP2008/053163 which claimed priority to a previous application filed 19 March 2007. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 25 September 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 19 September 2009.

On 18 September 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment and an Information Disclosure Statement.

On 29 December 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 29 July 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, 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, it does not appear that Mr. Mark Captain, the individual who signed the statement of facts, has firsthand knowledge of what was mailed to the non-signing inventors. Absent firsthand knowledge that a complete set of application papers was mailed to the inventors it is not possible to accept their subsequent silence as a refusal nor 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).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system..



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294



UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 31 2011

PCT LEGAL ADMINISTRATION

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

In re Application of :
CHANG, et al. : **DECISION ON PETITION**
Serial No.: 12/450,267 :
PCT No.: PCT/EP2008/053163 : **UNDER 37 CFR 1.47(a)**
Int. Filing Date: 17 March 2008 :
Priority Date: 19 March 2007 :
Atty Docket No.: 2080.1320 :
For: METHOD AND APPARATUS FOR :
CONFIGURING MODE TIMERS :

This decision is issued in response to applicants' renewed petition under 37 C.F.R. § 1.47(a) filed 15 December 2010 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

In a decision dated 15 October 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signatures of joint inventors Xin Chang and Zhen Pin Hu, was dismissed without prejudice. The renewed petition under 37 CFR 1.47(a) is moot since the declaration which accompanies the petition has been executed by the previous non-signing inventors. The declaration filed 15 December 2010 is acceptable under 37 CFR 1.497.

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

The application has an international filing date of 17 March 2008 under 35 U.S.C. 363 and a date of **15 December 2010** under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294



15 SEP 2010

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

Edouard Petrounevitch
207 Galloway Road
Apt. 401
Toronto, Ontario, M1E4X3
CANADA

In re Application of: :
PETROUNEVITCH : DECISION ON PETITION
U.S. Application No.: 12/450,298 :
Filing date: 21 September 2009 : UNDER 37 CFR 1.182
For: CONVEYOR-TYPE SYSTEM FOR :
GENERATING ELECTRICITY FROM :
WATER CURRENTS :

This decision is in response to the petition under 37 CFR 1.182 filed 3 January 2010.
The requisite petition fee has been paid.

BACKGROUND

On 21 September 2009, applicant filed in the United States Patent & Trademark Office:
1) a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning
a Submission Under 35 U.S.C. 371 ("Transmittal letter"); 2) a specification, including claims; 3)
drawings; 4) a "Filing Certificate" for Canadian application no. 2,642,033; 5) a declaration, and
6) a check in the amount of \$545. The Transmittal letter identified the international application
number as "CA 2,642,033".

On 23 October 2009, the Office of PCT Legal Administration mailed a communication to
applicant indicating that the 21 September 2009 submission did not identify a valid international
application number. Applicant was required to either identify the international application by
international application number, or in the alternative, if submission was intended as a regular
U.S. national application under 35 U.S.C. 111(a), to submit a petition under 37 CFR 1.182,
together with the requisite \$400 petition fee, requesting that the submission be treated as a filing
under 35 U.S.C. 111(a) notwithstanding use of the national stage Transmittal letter.

On 03 January 2010, applicant filed a petition under 37 CFR 1.182, with the appropriate
petition fee, requesting that the 21 September 2009 submission be treated as a filing under 35
U.S.C. 111(a).

DECISION

Applicant's petition under 37 CFR 1.182 to treat the 21 September 2009 submission as a
U.S. application filed under 35 U.S.C. 111(a) is **GRANTED**.

Application No. 12/450,298

2

The application is being forwarded to the Office of Patent Application Processing for processing as a filing under 35 U.S.C. 111(a).

/Boris Milef/

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3288



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MAR 03 2011

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of :
LEE, DONG-WOOK, et al. :
Application No. 12/450,506 :
Filed: September 29, 2009 :
Attorney Docket No.: **29137.514.00** :
: **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 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

MAR 03 2011
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
KIM, SEUNG-WOOK, et al. :
Application No. 12/450,507 :
Filed: September 29, 2009 :
Attorney Docket No.: 29137.511.00 :
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 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

DECISION

The request is **GRANTED**.

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 **13 January 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



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INGURAN LLC
22575 STATE HIGHWAY 6 SOUTH
NAVASOTA, TX 77868

MAILED
MAR 29 2012
OFFICE OF PETITIONS

In re Application of :
Eric Cognard :
Application No.: 12/450,543 : **ON PETITION**
Filed: September 28, 2009 :
Atty Docket No.: RT-10 US, TRANSPORTATION :

This is a decision on the petition, filed March 28, 2012, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **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 20, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3781 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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



DW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Eiji FUKUSHIRO et al.

Group Art Unit: 3664

Application No.: 12/450,557

Examiner:

Filed: September 30, 2009

Docket No.: 143078

For: VEHICLE, AND CONTROL METHOD AND CONTROL APPARATUS FOR AN
AUTOMATIC TRANSMISSION

**PETITION FOR PROJECT EXCHANGE/PATENT
APPLICATION BACKLOG REDUCTION STIMULUS PLAN**

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

Sir:

Applicants hereby petition for special status in accordance with the Project Exchange/Patent Application Backlog Reduction Stimulus Plan. In support of this Petition, the following and attached information are provided:

(1) The above-identified application for which special status is sought has an actual filing date earlier than October 1, 2009 (the 35 U.S.C. §371 date, which is the actual filing date, is September 30, 2009).

(2) Applicants have another co-pending application (U.S. Patent Application No. 12/449,589) that has an actual filing date earlier than October 1, 2009 (the 35 U.S.C. §371 date, which is the actual filing date, is August 14, 2009), and U.S. Patent Application No. 12/449,589 is complete under 37 CFR § 1.53 and 35 U.S.C. §371.

(3) The above-identified application for which special status is sought and U.S. Patent Application No. 12/449,589 are owned by the same party (TOYOTA JIDOSHA KABUSHIKI KAISHA) as of October 1, 2009.

(4) Applicants are concurrently filing a letter of express abandonment under 37 CFR §1.138(a) in U.S. Patent Application No. 12/449,589 before it has been taken up for examination. Applicants are including the following statements with the letter of express abandonment:

a) a statement that Applicants have not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code;

b) a statement that Applicants agree not to request a refund of any fees paid in the expressly abandoned application; and

c) a statement that Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application (the phrase "same invention" has the same meaning as used in the context of statutory double patenting under 35 U.S.C. 101).

(5) This Petition under 37 CFR §1.102 in the above-identified application for which special status is sought:

a) identifies the basis under which special status is being sought as being express abandonment of another copending application;

b) includes a copy of a letter of express abandonment and the statements that accompany the letter of express abandonment from U.S. Patent Application No. 12/449,589 that was expressly abandoned;

c) includes a specific identification of the relationship between the applications that qualifies the above-identified application for special status (both the above-identified

application and U.S. Patent Application No. 12/449,589 are assigned to TOYOTA JIDOSHA KABUSHIKI KAISHA);

d) identifies U.S. Patent Application No. 12/449,589 as the application that is being expressly abandoned;

e) certifies that Applicants have not filed petitions in more than fourteen other applications requesting special status under this program; and

f) Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the above-identified application to be made special are directed to two or more independent and distinct inventions.

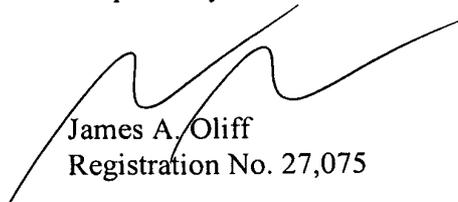
(6) The express abandonment of U.S. Patent Application No. 12/449,589 does not form the basis for more than one petition under 37 CFR §1.102.

(7) Applicants understand that the requirement for a fee to consider a Petition to make special for applications pertaining to Project Exchange/Patent Application Backlog Reduction Stimulus Plan is waived.

* * * * *

Accordingly, Applicants submit that the requirements of Project Exchange/Patent Application Backlog Reduction Stimulus Plan are satisfied. In view of the above, special status is hereby requested.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/cxk

Date: September 16, 2011

Attachment:

Petition of Express Abandonment for U.S. Patent Application No. 12/449,589.

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>



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

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
FUKUSHIRO, et al. :
Application No. 12/450,557 :
35 U.S.C. 371(c) Date: September 30, 2009 :
Int. Appl. No. PCT/JP2008/056823 :
Int. File Date: May 28, 2008 :
Attorney Docket No. 143078 :

**DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102**

This is a decision on the petition under 37 CFR 1.102, filed September 16, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) 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.

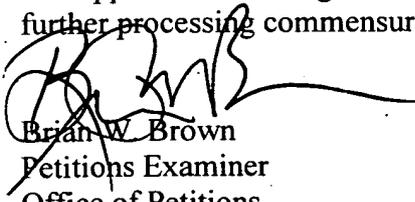
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

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

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.
12/450,572	10/01/2009	Jun-Seok Ko	29137.516.00	9839
30827	7590	10/12/2010	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			ART UNIT	PAPER NUMBER
			1625	
			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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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

OCT 12 2010

In re Application of	:	
KO, JUN-SEOK et al.	:	DECISION ON REQUEST TO
Application No. 12/450,572	:	PARTICIPATE IN PATENT
Filed: April 13, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 29137.516.00	:	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 29, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

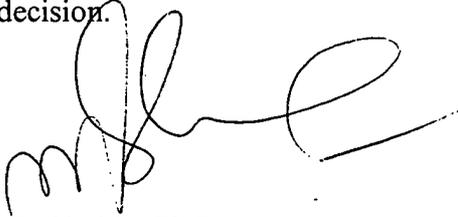
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);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

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 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.

A handwritten signature in black ink, appearing to read 'R. Shukla', written in a cursive style.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600



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.
12/450,586	10/01/2009	Hugh McTavish	110.026US1	3082
66981	7590	08/20/2010	EXAMINER	
HUGH MCTAVISH MCTAVISH PATENT FIRM 429 BIRCHWOOD COURTS BIRCHWOOD, MN 55110			SALIMI, ALI REZA	
			ART UNIT	PAPER NUMBER
			1648	
			MAIL DATE	DELIVERY MODE
			08/20/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 20 2010

HUGH MCTAVISH
MCTAVISH PATENT FIRM
429 BIRCHWOOD COURTS
BIRCHWOOD MN 55110

In re Application of :
MCTAVISH, HUGH et. al. :
Application No. 12/450,586 :
Filed: October 10, 2009 :
Attorney Docket No. 110.026US1 :
DECISION ON REQUEST TO
PARTICIPATE IN PCT-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 PCT-Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application is a national stage entry of the corresponding KIPO PCT application;
- (2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim has novelty, inventive step and industrial applicability.
- (3) Applicant must submit a copy of the allowable/patentable claim(s) from the corresponding PCT application(s) along with an English translation thereof;
- (4) 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;
- (5) Examination of the U.S. application has not begun;
- (6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof;
- (7) Applicant must submit an IDS listing the documents cited international work product, WO/ISA, or WO/IPEA or IPER along with copies of documents except U.S. patents or U.S. patent application publications: and

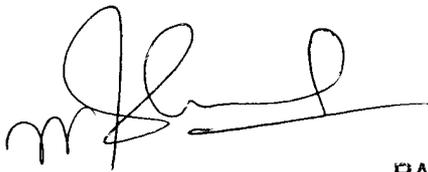
The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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 at the <http://www.uspto.gov/eac/index.html>.

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.

A handwritten signature in black ink, appearing to read 'R. Shukla', with a long horizontal line extending to the right.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER



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OFFICE OF PETITIONS

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

**In re Application of
ICHIKAWA, et al
Application No.: 12/450,624
Filed: October 2, 2009
Attorney Docket No.: 143109**

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

**For: ELECTRIC APPARTUS AND METHOD
OF CONTROLLING THE SAME**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 26, 2012, 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 the undersigned at (571) 272-6735.

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

This application is being forwarded to Technology Center Art Unit 3661 for action on the merits commensurate with this decision, upon completion of pre-examination processing.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



08 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

BELL & ASSOCIATES
58 West Portal Avenue No. 121
SAN FRANCISCO CA 94127

In re Application of :
AKESON et al. : DECISION ON
Serial No.: 12/450,633 :
PCT No.: PCT/US08/04467 : PETITION
Int. Filing Date: 04 April 2008 :
Priority Date: 04 April 2007 : UNDER 37 CFR 1.47(a)
Atty Docket No.: UCSC2007-519 US :
For: COMPOSITIONS, DEVICES, SYSTEMS :
AND METHODS FOR USING A NANOPORE :

This decision is in response to applicant's "Renewed Petition under 37 CFR 1.47(a)" filed 22 July 2010 to accept the application without the signature of inventor ROGER CHEN.

BACKGROUND

On 2 October 2009, applicant filed a request for entry into the U.S. national stage under 35 U.S.C. 371 and a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor CHEN.

On 04 December 2009, a decision was mailed indicating that: (1) the declarations were incomplete and were not in compliance with 37 CFR 1.497(a) and (b) and (2) there was insufficient evidence that the application papers including the declaration were presented to Mr. Chen and that he received them.

On 04 May 2010, applicant filed a renewed petition, which was dismissed on 28 June 2010 because it failed to satisfy the requirements of 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (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) and meets the requirements of 37 CFR 1.497(a) and (b).

Petitioner previously satisfied Items (1) and (3).

With regard to Item (2), counsel of record provided a first hand statement of facts regarding the refusal of the nonsigning inventor Roger Chen to sign the application papers. Specifically, counsel states that on 17 June 2010, he mailed a copy of the international application including specification, claims, drawings and declaration to the nonsigning inventor at his last known address. The correspondence was sent via U.S. Postal Service Return Receipt. Dr. Chen was asked to review and reply to the correspondence. A copy of the correspondence and the Return Receipt signed by C. Chen was attached to counsel's statement. USPS confirmed delivery on 18 June 2010. Counsel further advised that on 29 June 2010, he called Dr. Chen at his cellular number and Dr. Chen confirmed that he received the application papers and that he would not sign the declaration. Counsel indicates that as of the date of his filing, no further response from Dr. Chen has been received. Thus, from the evidence presented one can now conclude that Dr. Chen refuses to sign the application papers. The action taken by petitioner is sufficient to prove that Dr. Chen refuses to sign the application papers. Item (2) above is satisfied.

With respect to Item (4), a declaration executed by Daniel Branton and in compliance with 37 CFR 1.497(a) and (b) was provided. Item (4) is now satisfied. The requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States are satisfied.

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 declarations filed 04 May and 22 July 2010. The application has an international filing date of 04 April 2008 under 35 U.S.C. 363, and a date of 22 July 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
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286



UNITED STATES PATENT AND TRADEMARK OFFICE

08 SEP 2010

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

DR. ROGER JINTEH-ARRIGO CHEN
18862 MASSON TERRACE COURT
SARATOGA, CA 95070-4571

In re Application of :
AKESON et al. :
Serial No.: 12/450,633 :
PCT No.: PCT/US08/04467 :
Int. Filing Date: 04 April 2008 :
Priority Date: 04 April 2007 :
Atty Docket No.: UCSC2007-519 WO-US :
For: COMPOSITIONS, DEVICES, SYSTEMS :
AND METHODS FOR USING A NANOPORE :

Dear Dr. Chen:

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

BELL & ASSOCIATES
58 West Portal Avenue No. 121
SAN FRANCISCO CA 94127



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OCT 21 2010

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PCT LEGAL ADMINISTRATION

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH MA 01581

In re Application of :
PROCTOR et al. :
Application No.: 12/450,649 : **DECISION**
PCT No.: PCT/GB2008/050244 :
Int. Filing Date: 04 April 2008 :
Priority Date: 05 April 2007 :
Attorney Docket No.: VPW-05101 :
For: TELECOMMUNICATIONS NETWORKS :
AND DEVICES :

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 25 August 2010 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 04 April 2008, applicants filed international application PCT/GB2008/050244, which designated the United States and claimed a priority date of 05 April 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 16 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 October 2009.

On 02 October 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 03 November 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, *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 03 May 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration of inventors, and a statement of facts by Dr. Adrian Snearly.

On 21 June 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided..

On 25 August 2010, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a second declaration of facts by Dr. Adrian Sneary

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 21 June 2010, items (1), (3), and (4) have been satisfied. Regarding item (1), applicants submitted a second petition fee with the renewed petition on 25 August 2010. This fee has been credited to Deposit Account 503596.

Item (2) has not been satisfied. The decision mailed 21 June 2010 indicated that it was not clear that the non-signing inventor Toby Proctor was presented with the application papers, that no mention of it was made in the declaration of Dr. Sneary, and that no documentary evidence had been provided that indicated receipt of either the declaration or the application papers by Mr. Proctor. The second declaration of facts by Dr. Sneary states that a copy of the application papers was mailed to Mr. Proctor via courier (TNT) on 10 June 2010 (paragraph 8 of the declaration). The declaration of facts also states that a copy of the "Parcel Delivery Track and Trace" web page from the TNT website indicating delivery of the package on 11 June 2010 is attached as Exhibit A (paragraph 9 of the declaration). However, no copy of such a web page appears in the electronic file.

CONCLUSION

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

Since the reply filed 25 August 2010 appears to have been bona fide, applicant is given a **TIME PERIOD** of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this decision, whichever is longer, within which to provide the web page referred to in the second declaration of facts by Dr. Sneary. Failure to timely file a proper reply will result in abandonment of the application.

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



MAILED

DEC 13 2010

PCT LEGAL ADMINISTRATION

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH MA 01581

In re Application of	:	
PROCTOR et al.	:	
Application No.: 12/450,649	:	DECISION
PCT No.: PCT/GB2008/050244	:	
Int. Filing Date: 04 April 2008	:	
Priority Date: 05 April 2007	:	
Attorney Docket No.: VPW-05101	:	
For: TELECOMMUNICATIONS NETWORKS	:	
AND DEVICES	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 01 November 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 04 April 2008, applicants filed international application PCT/GB2008/050244, which designated the United States and claimed a priority date of 05 April 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 16 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 October 2009.

On 02 October 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 03 November 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, *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 03 May 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration of inventors, and a statement of facts by Dr. Adrian Sneary.

On 21 June 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided..

On 25 August 2010, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by a second declaration of facts by Dr. Adrian Sneary.

On 21 October 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). It was noted that the copy of the "Parcel Delivery Track and Trace" web page from the TNT website indicating delivery of the package to non-signing inventor Toby Proctor on 11 June 2010, referred to in the second declaration of facts by Dr. Sneary, was not in the electronic file.

On 21 October 2010, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, the web page referred to in the second declaration of facts by Dr. Sneary.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 21 June 2010, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied. It has been established that non-signing inventor Toby Proctor has been presented with a copy of the application papers. Mr. Proctor's conduct constitutes a refusal to sign.

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.

Application No.: 12/450,649

-3-

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 **03 May 2010**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



UNITED STATES PATENT AND TRADEMARK OFFICE

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

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DEC 13 2010

PCT LEGAL ADMINISTRATION

Mr. Toby Proctor
39 York Road
Salisbury SP2 7AU
GREAT BRITAIN

In re Application of
PROCTOR et al.

Application No.: 12/450,649

PCT No.: PCT/GB2008/050244

Int. Filing Date: 04 April 2008

Priority Date: 05 April 2007

Attorney Docket No.: VPW-05101

For: TELECOMMUNICATIONS NETWORKS AND DEVICES

Dear Mr. Proctor:

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

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH MA 01581



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

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MAR 15 2012
OFFICE OF PETITIONS

In re Application of	:	
Teruhide Hayashida, et al.	:	
Application No.: 12/450,657	:	
Filed: 05 October 2009	:	
Attorney Docket No.: 143219	:	
For: TRAFFIC INFORMATION	:	DECISION ON REQUEST TO
GENERATION METHOD, TRAFFIC	:	PARTICIPATE IN THE PATENT
INFORMATION GENERATION	:	PROSECUTION HIGHWAY
DEVICE, AND NAVIGATION SYSTEM	:	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 03 March 2012, 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:
 - 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;
3. Examination of the U.S. application has not begun;
4. 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
5. 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.

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

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.

/SDB/

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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JAN 07 2011

HEDMAN & COSTIGAN, P.C.
1230 AVENUE OF THE AMERICAS
7th floor
NEW YORK NY 10020

PCT LEGAL ADMINISTRATION

In re Application of :
SATO, Ryo :
Application No.: 12/450,760 :
PCT No.: PCT/JP2008/054060 :
Int. Filing Date: 06 March 2008 :
Priority Date: 20 April 2007 :
Attorney Docket No.: 712-062 :
For: KEY SHEET :

DECISION

This decision is in response to applicant's petition under 37 CFR 1.181 to vacate the Notification of Missing Requirements (Form PCT/DO/EO/905) and Notification of Abandonment, filed in the United States Patent and Trademark Office on 26 October 2010.

BACKGROUND

On 12 January 2010, applicant filed a declaration of the inventor.

On 13 January 2010, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905), indicating *inter alia*, an oath or declaration of the inventor was required.

On 19 February 2010, applicants filed a Response to the Notification of Missing Requirements indicating that a declaration in compliance with 37 CFR 1.497(a)-(b) had been filed on 12 January 2010.

On 13 October 2010, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely respond to the Notification of Missing Requirements mailed 13 January 2010.

On 26 October 2010, applicants filed this petition under 37 CFR 1.181 to vacate the holding of abandonment.

DISCUSSION

A review of the file indicates that a declaration of the inventor was filed on 12 January 2010. The Notifications of Missing Requirements and Abandonment issued in error. The declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 13 January 2010 is **VACATED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 13 October 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292



06 OCT 2010

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Alexandria, VA 22313-1450
www.uspto.gov

42419
PAULEY PETERSEN & ERICKSON
2800 West Higgins Road
Suite 365
Hoffman Estates, IL 60169

In re Application of :
BRAUN *et al* :
U.S. Application No.: 12/450,825 :
PCT No.: PCT/EP2008/002890 :
Int. Filing Date: 11 April 2008 :
Priority Date: 12 April 2007 :
Attorney Docket No.: VO-856 :
For: THERMOELECTRIC TEMPERING :
DEVICE :

DECISION

This is a decision on the renewed petition under 37 CFR 1.47(a) filed on 10 August 2010.

BACKGROUND

On 11 June 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 10 August 2010, applicants filed the subject response which was accompanied by a declaration executed by the nonsigning inventor.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventor, Lon E. BELL. 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**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 April 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 10 August 2010.

12/450,825

2

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

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	12450866	
Filing Date	19-Jan-2010	
First Named Inventor	Chandra Singh	
Art Unit	1628	
Examiner Name	SAN MING HUI	
Attorney Docket Number	TLI109	
Title	TREATMENTS FOR PREMATURE EJACULATION IN HUMANS	
<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:		46488
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	Chandra U. Singh	
Address	100 N.E. Loop 410	
City	San Antonio	
State	TX	
Postal Code	78216	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John M. Hammond/
Name	John M. Hammond
Registration Number	52986



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : September 5,2011

In re Application of :

Chandra Singh

Application No : 12450866

Filed : 19-Jan-2010

Attorney Docket No : TLI109

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 5,2011

The request is **APPROVED**.

The request was signed by John M. Hammond (registration no. 52986) on behalf of all attorneys/agents associated with Customer Number 46488 . All attorneys/agents associated with Customer Number 46488 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 Chandra U.
Name2 Singh
Address 1 100 N.E. Loop 410
Address 2
City San Antonio
State TX
Postal Code 78216
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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PCT LEGAL ADMINISTRATION

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

In re Application of CHEN et al.
Application No.: 12/450,873
PCT No.: PCT/CN07/01298
Int. Filing Date: 20 April 2007
Priority Date: None
Attorney Docket No.: PA070016
For: METHOD FOR EMBEDDING VIDEO
ANNOTATION DATA INTO A CODED VIDEO
STREAM AND VIDEO RECORDING

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DECISION ON
:
:
PETITION TO REVIVE
:
:
UNDER 37 CFR 1.137(a)
:
:

This is a decision on applicant's petition to revive under 37 CFR 1.137(a), which was filed in the United States Patent and Trademark Office on 15 October 2010 in the above-captioned application.

BACKGROUND

On 20 August 2007, applicant filed international application PCT/CN07/01298 which claimed no priority date. Pursuant to 37 CFR 1.495, the thirty-month period for paying a basic national fee in the United States expired at midnight on 20 October 2009.

On 16 October 2009, applicant filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371, which was accompanied by the basic national fee. The application papers were assigned U.S. serial number 12/450,873.

On 20 January 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) 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 time period which in to respond to the Notification was two (2) months, with extensions of time available.

On 13 September 2010, a Notification of Abandonment was mailed to applicant, indicating that applicant failed to respond to the Notification of Missing Requirements.

DISCUSSION

Petition under 37 CFR 1.137(a)

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay requires (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition 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). As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

Item (1) is satisfied as applicant provided the response to the Notification of Missing Requirements, that is, a declaration in compliance with 37 CFR 1.497(a) and (b). Thus, the proper reply has been made. With regard to Item (2), the payment of the petition fee in the amount of \$1620 was made. The proper fee for a petition to revive an application unavoidably abandoned is \$540. Therefore, Applicant's deposit account will be refunded the overcharge of fees (\$1080). Item (4) is not required in the instant case.

Concerning item (3), Petitioner has not provided an acceptable showing that the delay was unavoidable. Petitioner's statements and explanations are insufficient to satisfy the stringent standards applied to "unavoidable" abandonments. Specifically, unavoidable delay is present only where petitioner and those acting for petitioner take all actions necessary to continue the prosecution of an application, but through the intervention of unforeseen circumstances, a required action is not timely taken. The actions and circumstances described in this petition do not reflect the "care or diligence than is generally used and observed by prudent and careful men in relation to their most important business." *Ex Parte Pratt*, 1887 Dec. Comm'r Pat. 31, 32-33 (1887).

A petition to revive under 37 CFR 1.137(a) cannot be granted where a petition has failed to meet his burden of establishing unavoidable delay within the meaning of 37 CFR 1.137(a) and 35 U.S.C. 133. *Haines v. Quigg*, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987). Therefore, since applicant has not satisfied Item (3) above, the granting of the petition under 37 CFR 1.137(a) for revival based on unavoidable delay would not be proper. The petition to revive under 37 CFR 1.137(a) for unavoidable delay is dismissed without prejudice.

RECOMMENDATION

As an alternative, applicant may request revival of the application via petition under 37 CFR 1.137(b).

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the date on which the application became abandoned. Such a petition under 37 CFR 1.137(b) must be accompanied by (1) a proper reply; (2) the petition fee required by law, 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".

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

This recommendation to file a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is **DISMISSED without prejudice**. Applicant's deposit account will be refunded the overcharge of \$1080.

The application remains **ABANDONED**.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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Telephone: (571) 272-3286
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PCT LEGAL ADMINISTRATION

Robert D. Shedd
Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

In re Application of CHEN et al.
Application No.: 12/450,873
PCT No.: PCT/CN07/01298
Int. Filing Date: 20 April 2007
Priority Date: None
Attorney Docket No.: PA070016
For: METHOD FOR EMBEDDING VIDEO
ANNOTATION DATA INTO A CODED VIDEO
STREAM AND VIDEO RECORDING

DECISION ON
PETITION TO REVIVE
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 23 February 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" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of \$1620 has been paid.

Applicant submitted the declaration by inventors, in compliance with 37 CFR 1.497. The \$130 surcharge for filing the declaration after the thirty month period was previously paid and will be refunded to applicant's deposit account.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 15 October 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

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:	12450886	Filing date:	2009-10-16
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First Named Inventor:	MURPHY, David Victor
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Title of the Invention:	A Docking Station
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

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

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

The corresponding PCT application number(s) is/are: PCT/AU2008/000582

The international filing date of the corresponding PCT application(s) is/are: 24 April 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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/450,886	10/16/2009	David Victor Murphy		5693

87428 7590 04/26/2011
Grabba International Pty Ltd
P.O. Box 56
Coopers Plains, 4108
AUSTRALIA

EXAMINER

LEE, THOMAS C

ART UNIT PAPER NUMBER

2115

MAIL DATE DELIVERY MODE

04/26/2011

PAPER

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

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



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Grabba International Pty Ltd
P.O. Box 56
Coopers Plains 4108 AU AUSTRALIA

In re Application of: MURPHY et al.
Application No. 12/450,886
Atty Docket #:
Filed: October 16, 2009
For: DOCKING STATION

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 March 28, 2011 to make the above- identified application special.

The petition is **GRANTED**.

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

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

/Mano Padmanabhan/

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/450,889	10/16/2009	Wook Jang	29137.520.00	6833
30827	7590	01/31/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			DOTE, JANIS L	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			1721	
			MAIL DATE	DELIVERY MODE
			01/31/2011	PAPER

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

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



BC

January 31, 2011

In re application of	:	DECISION ON REQUEST TO
Wook Jang et al.	:	PARTICIPATE IN PATENT
Serial No. 12/450,889	:	PROSECUTION HIGHWAY
Filed: October 16, 2009	:	PROGRAM AND
For: METHOD OF PRODUCING	:	PETITION TO MAKE SPECIAL
POLYMERIZED TONER	:	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 December 23, 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 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. 12/450,889

- 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.
12/450,894	04/05/2010	Se Ra Kim	29137.524.00	9583
30827	7590	11/15/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			STAHL, MICHAEL J	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			2874	
			MAIL DATE	DELIVERY MODE
			11/15/2011	PAPER

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

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**MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006**

NOV 15 2011

In re Application of KIM et al.	: DECISION ON REQUEST TO
Application No.: 12/450894	: PARTICIPATE IN THE PATENT
Filed: 05 April 2010	: PROSECUTION HIGHWAY
Attorney Docket No.: 29137.524.00	: PROGRAM AND PETITION
For: ACRYLIC PRESSURE-SENSITIVE ADHESIVE COMPOSITIONS	: 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 24 August 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.

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : September 5,2011

In re Application of :

Chandra Ulagaraj Singh

Application No : 12450902

Filed : 11-Jan-2010

Attorney Docket No : TLI110

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 5,2011

The request is **APPROVED**.

The request was signed by John M. Hammond (registration no. 52986) on behalf of all attorneys/agents associated with Customer Number 46488 . All attorneys/agents associated with Customer Number 46488 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 Chandra U.
Name2 Singh
Address 1 100 N.E. Loop 410
Address 2
City San Antonio
State TX
Postal Code 78216
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	12450902	
Filing Date	11-Jan-2010	
First Named Inventor	Chandra Ulagaraj Singh	
Art Unit	1627	
Examiner Name	YONG CHONG	
Attorney Docket Number	TLI110	
Title	DERIVATIVES OF AMYRIS ALCOHOLS AND EUDESMOL FOR TREATING COLD SORES AND HERPES	
<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:		46488
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	Chandra U. Singh	
Address	100 N.E. Loop 410	
City	San Antonio	
State	TX	
Postal Code	78216	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John M. Hammond/
Name	John M. Hammond
Registration Number	52986

MAILED

FEB 06 2012



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PCT LEGAL ADMINISTRATION

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of HATA et al.

Application No.: 12/451,043

PCT No.: PCT/JP08/57942

Int. Filing: 24 April 2008

Priority Date: 24 April 2007

Attorney Docket No: 2009 1675A

For: RESIN COMPLEX CONTAINING CARBON

NANOTUBE AND METHOD OF PRODUCTION :

THEREOF

DECISION ON

PETITION

UNDER 37 CFR 1.182

This is a decision on applicant's petition under 37 CFR 1.182 filed on 28 October 2011 to correct the English translation of the PCT Application.

On 07 May 2010, a Notification of Acceptance was mailed to applicant indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371(c)(2) and indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 19 March 2010.

On 28 October 2011, Applicant submitted the instant petition under 37 CFR 1.182 to accept the verified English translation of the PCT application to correct some errors in the third and fourth sentences bridging pages 6 and 7 of the translation. The translation was accompanied by a verification of translation.

Applicant's petition under 37 CFR 1.182 is **GRANTED**. In light of the above, the Notification of Acceptance (Form PCT/DO/EO/903) issued on 07 May 2010 is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision, including issuance of a new Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 U.S.C. 371(c)(1), (c)(2) (c)(4) and (c)(5) date of date is 28 October 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286



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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. Includes application details for SABIC AMERICAS, INC.

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 Barnes
Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,156	10/28/2009	Hitoki Sugimoto	143340	6456
25944	7590	10/19/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			TRAN, DALENA	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3664	
			NOTIFICATION DATE	DELIVERY MODE
			10/19/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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

In re application of : **DECISION ON REQUEST TO**
Hitoki Sugimoto : **PARTICIPATE IN PATENT**
Application No. 12/451,156 : **PROSECUTION HIGHWAY**
Filed: October 28, 2009 : **PROGRAM AND PETITION**
For: VEHICLE AND CONTROL : **TO MAKE SPECIAL UNDER**
METHOD OF VEHICLE : **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 22, 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: 10/17/11



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MAILED

JUL 18 2011

PCT LEGAL ADMINISTRATION

Adam Clifford
7 Bayview Drive
Co. Down, BT 30 7TJ
IRELAND

In re Application of	:	
CLIFFORD	:	
Application No.: 12/451,189	:	DECISION
PCT No.: PCT/GB2007/004701	:	
Int. Filing Date: 07 December 2007	:	
Priority Date: 07 December 2006	:	
Attorney's Docket No.: None	:	
For: ACCESSORY MOUNTING	:	

This decision is in response to applicant's submission filed 15 December 2010 in the United States Patent and Trademark Office (USPTO) which has properly been treated as a petition under 37 CFR 1.181 and a renewed petition under 37 CFR 1.137(b).

BACKGROUND

On 07 December 2007, applicants filed international application PCT/GB2007/004701, which designated the U.S. and claimed a priority date of 07 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 June 2009 (07 June 2009 being a Sunday).

On 29 October 2009, applicants filed via facsimile transmission a submission for entry into the national stage in the United States which included, *inter alia*, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

On 06 July 2010, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.137(b).

On 17 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Insufficient Fees (Form PCT/DO/EO/923). This Notification set a two-month extendable period for reply.

On 17 September 2010, the DO/EO/US also mailed a Filing Receipt according the application a 35 U.S.C. 371(c) date of 29 October 2009.

On 18 November 2010, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE indicating, *inter alia*, that additional fees were due.

On 18 November 2010, the DO/EO/US also mailed a second Filing Receipt according the application a 35 U.S.C. 371(c) date of 29 October 2009.

On 15 December 2010, applicant filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181 and a renewed petition under 37 CFR 1.137(b).

DISCUSSION

Petition Under 37 CFR 1.181

The submission filed 15 December 2010 states that the decision mailed 06 July 2010 was not received. Applicant can establish nonreceipt of the decision mailed 06 July 2010. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement by the practitioner attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Because applicant is not represented by counsel, docket records are presumably not relevant. Applicant has provided a statement that the Decision mailed 06 July 2010 was not received by him. However, applicant would also need to indicate whether any sort of file is kept for the instant application and if so, whether a search of that file indicated that the Office action was not received. Additionally, applicant would need to provide other evidence "such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question." MPEP § 711.03(c), para. I.A.

(The submission filed 15 December 2010 also discusses a telephone conversation with the undersigned. The undersigned acknowledges the telephone conversation. However, there appears to have been some misunderstanding as to what was required by applicant to establish non-receipt of the decision mailed 06 July 2010. Any inconvenience is regretted.)

(It appears from the submission filed 15 December 2010 that applicant received the Notification of Insufficient Fees mailed 17 September 2010 and the NOTIFICATION OF DEFECTIVE RESPONSE mailed 18 November 2010. A response to the Notification of Insufficient Fees was filed on 15 December 2010. Accordingly, if it cannot be established that the decision mailed 06 July 2010 was not received, a one-month extension of time would be required. The fee for this extension of time is \$65.)

Petition Under 37 CFR 1.137(b)

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the required reply has not been provided. Facsimile transmissions are not permitted, and if submitted, will not be accorded a date of receipt, for the filing of a copy of the international application and the basic national fee necessary to enter the national stage. 37 CFR 1.6(d)(3). Here, the basic national fee was submitted via facsimile transmission and thus cannot be accorded a date of receipt. As set forth below, the basic national fee will need to be resubmitted via mail, courier service, or electronically.

As to item (2), applicant submitted the petition fee on 29 October 2009.

As to item (3), a grantable petition has not yet been provided.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

For the reasons set forth above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

A proper response would include:

(1a) an indication of whether any sort of file is kept for the instant application and if so, whether a search of that file indicated that the Office action was not received;

(1b) other evidence such as, but not limited to, the application file jacket, incoming mail log, calendar, reminder system, or the individual record for the application in question;

(2a) a Transmittal Letter (Form PTO-1390) identifying the application by the U.S. application serial number (12/451,189),

*(2b) payment of the U.S. Basic national fee for a small entity (\$165), and
(2c) a new petition to revive under 37 CFR 1.137(b) (Form PTO/SB/64/PCT). No additional
petition fees are necessary.*

These items may be filed by mail, courier service, or electronically (www.uspto.gov).

*The address for filing by mail is Mail Stop PCT, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450.*

*The address for filing by courier service (e.g., Federal Express, UPS) is United States Patent
and Trademark Office, Customer Service Window, Mail Stop PCT, Randolph Building, 401
Dulaney Street, Alexandria, VA 22314.*

*If the response is filed electronically via EFS-Web, the document description "Petition for review
and processing by the PCT Legal Office" should be selected.*

*If applicant has any questions regarding this decision, he should contact the undersigned at the
telephone number listed below.*

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,212	10/30/2009	Shinji Ichikawa	143401	9326
25944	7590	11/17/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			TISSOT, ADAM D	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3663	
			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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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NOV 16 2011

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

In re application of
Shinji Ichikawa
Application No. 12/451,212
Filed: October 30, 2009
For: POWER SUPPLY SYSTEM,
VECHICLE INCLUDING THE SAME,
CONTROL METHOD FOR POWER
SUPPLY SYSTEM, AND COMPUTER-
READABLE RECORDING MEDIUM
RECORDING PROGRAM FOR CAUSING
COMPUTER TO EXECUTE THE
CONTROL METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 31, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must 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: 11/16/11



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PCT LEGAL ADMINISTRATION

In re Application of	:	
YAMAMOTO, Hideki	:	
Application No.: 12/451,220	:	
PCT No.: PCT/JP2008/060423	:	
Int. Filing Date: 06 June 2008	:	DECISION
Priority Date: 08 June 2007	:	
Docket No.: 143417	:	ON PETITION UNDER
For: COMMUNICATION SYSTEM	:	
ADAPTING FOR CAR,	:	37 CFR 1.181
COMMUNICATION APPARATUS	:	
ADAPTING FOR CAR, AND	:	
COMMUNICATION METHOD	:	
ADAPTING FOR CAR	:	

Applicant's Petition Under 37 CFR 1.181 for a corrected Notification of Acceptance, filed in the above-captioned application on 01 March 2010 is **GRANTED**.

Applicants supplied a declaration in compliance with 37 CFR 1.497(a)-(b) on 01 December 2009 along with an express request to begin national examination procedures. As such, all 35 USC 371 requirements were present on 01 December 2009.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 17 February 2010 indicating all 35 USC 371 requirements date of 08 December 2009 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application processing for further action consistent with this decision, including mailing of a corrected Notification of Acceptance and filing receipt reflecting 35 USC 371 completion dates of 01 December 2009.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,226	11/02/2009	Dong-Kyu Park	29137.533.00	8667
30827	7590	10/27/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			LEE, RIP A	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			1762	
			MAIL DATE	DELIVERY MODE
			10/27/2011	PAPER

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OCT 27 2011

CST

In re application of : DECISION ON REQUEST TO
Dong-Kyu Park et al : PARTICIPATE IN PATENT
Serial No. 12/451,226 : PROSECUTION HIGHWAY
Filed: November 2, 2009 : PROGRAM AND
For: ETHYLENE ALPHA-OLEFIN : PETITION TO MAKE SPECIAL
COPOLYMER : UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed August 19, 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. 12/451,226

(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.
12/451,241	11/02/2009	Kazuyoshi Obayashi	141944	9767
25944	7590	06/23/2011	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			ASSOUAD, PATRICK J	
			ART UNIT	PAPER NUMBER
			2858	
			NOTIFICATION DATE	DELIVERY MODE
			06/23/2011	ELECTRONIC

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of

Kazuyoshi OBAYASHI
Application No.: 12/451,241
Filed: 02 November 2009
Attorney Docket No.: 141944
For: ELECTRIC POWER SUPPLY
SYSTEM AND VEHICLE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,270	11/03/2009	Gen Ichimura	SONYJP 3.3-1758	4803
530	7590	12/01/2010	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			KAO, WEI PO ERIC	
			ART UNIT	PAPER NUMBER
			2464	
			MAIL DATE	DELIVERY MODE
			12/01/2010	PAPER

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

In re Application of: ICHIMURA, GEN et al.
Application No. 12/451,270
Filed: November 03, 2009
For: INTERFACE CIRCUIT

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

DEC 01 2010
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 03, 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 12/451,270
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



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

MAILED

MAR 12 2012

**In re Application of
IIDA, Takahide
Application No.: 12/451,275
Filed: November 4, 2009
Attorney Docket No.: 143439
For: CONTROL DEVICE AND
CONTROL METHOD FOR ELECTRIC
SYSTEM**

**OFFICE OF PETITIONS
: 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 January 5, 2012, to make the above-identified application special.

The request and petition are **DENIED**.

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 then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;

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

The request to participate in the PPH pilot program and petition fails to meet condition (4) above.

Regarding the requirement of condition (4), the Notice of Allowance was mailed on February 3, 2012. Therefore, since examination of the U.S. application has begun, the request filed January 5, 2012, to make the above-identified application special cannot be granted and is hereby **DENIED**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke (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>.


Anthony Knight
Director
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,285	11/04/2009	Michael Joerger	JOERGER - 1 PCT	8912

25889 7590 10/18/2010
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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10/18/2010

PAPER

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1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
JOERGER, MICHAEL	:	DECISION ON REQUEST TO
Application No. 12/451,285	:	PARTICIPATE IN PATENT
Filed: Nov. 4, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. JOERGER-1PCT	:	PILOT PROGRAM AND PETITION
For: TRANSPORT DEVICE FOR A	:	TO MAKE SPECIAL UNDER
FINGER JOINTING SYSTEM	:	37 CFR 1.102(d)

This is a decision on the petition to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed October 4, 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 DPMA;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the DPMA application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DPMA application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the DPMA application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit an IDS listing the documents cited by the DPMA examiner in the DPMA office action along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

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

All other inquiries concerning the examination or status of the application should be directed to Dana Ross, SPE of Art Unit 3725, 571-272-4480.

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

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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

PTO/SB/420 (12-09)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: OLI-083	Application Number (if known): 12/451,330	Filing date: November 6, 2009
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First Named Inventor: Akira YASUGI

Title: UTILITY GRID STABILIZATION APPARATUS AND METHOD, AS WELL AS WIND POWER GENERATING SYSTEM

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

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

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.

- By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.
- This request is accompanied by statements of special status for the eligibility requirement.
- The application contains no more than three (3) independent claims and twenty (20) total claims.
- The application does not contain any multiple dependent claims.
- Other attachments: _____

Signature /Manabu KANESAKA/	Date February 25, 2011
Name (Print/Typed) Manabu KANESAKA	Registration Number 31,467

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

*Total of _____ forms are submitted.

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

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

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

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

The following is a summary of the requirements (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at <http://www.uspto.gov/web/offices/pac/dapp/oqsheet.html>):

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

Privacy Act Statement

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

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

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



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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.
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12/451,330

11/06/2009

Akira Yasugi

OLI-083

7485

23628 7590 10/27/2011
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

EXAMINER

ART UNIT	PAPER NUMBER
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2121

MAIL DATE	DELIVERY MODE
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10/27/2011

PAPER

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

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



WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of
YASUGI, Akira
Application No. 12/451,330
Filed: November 6, 2009
For: **UTILITY GRID STABILIZATION
APPARATUS AND METHOD, AS WELL AS
WIND POWER GENERATING SYSTEM**

**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 25, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

The application is being forwarded to the Technology Center Art Unit 2121 for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

Quality Assurance Specialist
Technology Center 2100



27 SEP 2010

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

In re Application of: MURATA, Hiroki, et al. :
U.S. Application No.: 12/451,344 : DECISION
PCT No.: PCT/IB2008/002596 :
International Filing Date: 02 October 2008 :
Priority Date: 31 October 2007 :
Attorney Docket No.: 1432807 :
For: HYBRID SYSTEM CONTROL :
APPARATUS AND HYBRID :
SYSTEM CONTROL METHOD :

This decision is issued in response to the "Request For Correction Of PALM Records" filed 22 February 2010, treated herein in part as a petition under 37 CFR 1.181 to correct the "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 05 February 2010. No petition fee is required.

BACKGROUND

On 02 October 2008, applicants filed international application PCT/IB2008/002596. The international application claimed a priority date of 31 October 2007, and it designated the United States. On 07 May 2009, 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 thirty months from the priority date, i.e., 30 April 2010.

On 09 November 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 executed declaration. The submission did not include an express request to begin national examination procedures pursuant to 35 U.S.C. 371(f).

On 05 February 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 09 November 2009. The Notification indicated that a request for immediate examination was filed on 09 November 2009. Also on 05 February 2010, a filing receipt was issued that identified the "Filing Date or 371(c) Date" as 09 November 2009.

On 22 February 2010, applicant filed the "Request For Correction Of PALM Records" considered herein.¹

¹ This submission included a request for a corrected filing receipt which will be addressed separately in due course.

DISCUSSION

The Notification Of Acceptance mailed 05 February 2010 indicates that a "Request for Immediate Examination" was filed on 09 November 2009. The present submission asserts that no such request was filed and that the reference to the "Request for Immediate Examination" should therefore be removed. A review of the application file confirms that a "Request for Immediate Examination" was not filed herein on 09 November 2009. Accordingly, applicants' request that the reference to the "Request for Immediate Examination" be removed from the Notification Of Acceptance is appropriately granted.

It is noted that, in view of the fact that applicants did not file a "Request for Immediate Examination," the "Date Of Completion Of All 35 U.S.C. 371 Requirements" listed on the Notification Of Acceptance must also be corrected. MPEP section 1893.03(b), sets forth the following criteria for determining the correct "Date Of Completion Of all 35 U.S.C. 371 Requirements" listed on the Notification Of Acceptance:

The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... the latest of:

- (A) the date of submission of the basic national fee;
- (B) the date of submission or communication of the copy of the international application;
- (C) the date of submission of the translation of the international application if the international application is not in the English language;
- (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
- (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
- (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
- (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

In the present application, elements "A," "B," and "D" were satisfied as of 09 November 2009, and elements "C," "F", and "G" do not apply. The appropriate "Date Of Completion Of

All 35 U.S.C. 371 Requirements” is therefore determined by element “E.” As noted above, the materials filed by applicants on 09 November 2009 to initiate the present application did not include a “request for early processing under 35 U.S.C. 371(f),” nor was such a request included in any subsequent submission. Accordingly, pursuant to element “E,” the appropriate “Date Of Completion Of All 35 U.S.C. 371 Requirements” is thirty months from the priority date, i.e., 30 April 2010 (“the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(c)(4)”).

In view of the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 05 February 2010, which incorrectly listed 09 November 2009 as the “Date Of Completion Of All 35 U.S.C. 371 Requirements” and the filing date of a “Request for Immediate Examination,” is appropriately vacated.

A corrected Notification of Acceptance will be issued that does not indicate that a request for immediate examination was filed herein and which properly identifies the “Date Of Completion Of All 35 U.S.C. 371 Requirements” as 30 April 2010. The “Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements” remains 09 November 2009, as correctly listed on the previously mailed Notification Of Acceptance and filing receipt.

CONCLUSION

The petition under 37 CFR 1.181 to correct the “Notification Of Acceptance” is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 05 February 2010 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: (1) the issuing of a corrected “Notification Of Acceptance” (Form PCT/DO/EO/903) that does not indicate that a request for immediate examination was filed herein, and which properly identifies the “Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements” as **09 November 2009** and the “Date Of Completion Of All 35 U.S.C. 371 Requirements” as **30 April 2010**; and (2) consideration of applicants’ request for a corrected filing receipt.



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



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MARTIN D MOYNIHAN d/b/a PRTSI
PO BOX 16446
ARLINGTON VA 22215

MAILED
FEB 29 2012
OFFICE OF PETITIONS

In re Application of : DECISION
Moiseyev, et al. : ON PETITION
Application No. 12/451,354 :
Filed: April 22, 2010 :
Attorney Docket Number: 47676 :

This is in response to the petition under 37 CFR 1.84(a)(2), filed December 9, 2009, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

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

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

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

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

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

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

The application is being forwarded to Group Art Unit 2884 for examination in due course.

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



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,423	11/12/2009	Byoung-Ho Jcon	29137.535.00	4995

30827 7590 10/25/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

BERNSHTEYN, MICHAEL

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
10/25/2010	PAPER

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

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



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BC

October 25, 2010

In re application of : DECISION ON REQUEST TO
Byoung-Ho Jeon et al. : PARTICIPATE IN PATENT
Serial No. 12/451,423 : PROSECUTION HIGHWAY
Filed: November 12, 2009 : PROGRAM AND
For: COPOLYMER COMPRISING ALKENE, : PETITION TO MAKE SPECIAL
ACRYLATE AND UNSATURATED ACID : UNDER 37 CFR 1.102(a)
ANHYDRIDE, AND METHOD FOR :
PREPARING THE SAME :

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed September 03, 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 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:

Application No. 12/451,423

- 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; 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 is dismissed as moot according to the requirement item (4) above, since the examination of the U.S. application has begun and a Notice of Allowance was mailed on October 06, 2010.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

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ANNE MCGOVERN BURKHART
C/O CARMEN PATTI GROUP
ONE N. LASALLE STREET, 44TH FLOOR
CHICAGO, IL 60602

MAILED
OCT 14 2011
OFFICE OF PETITIONS

In re Application of :
Donald A. Ely, Jr. :
Application No. 12/451,439 : **DECISION ON PETITION**
Filed: September 13, 2010 : **TO WITHDRAW**
Attorney Docket No. ELY-101 : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 20, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Anne Burkhart on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named inventor at the first copied address below until otherwise properly notified by the applicant.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Donald Ely**
1032 N. Parkwood Avenue
Park Ridge, IL 60068



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,461	11/13/2009	Sang-Hyuk Im	29137.539.00	4788
30827	7590	10/26/2010	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			ART UNIT	PAPER NUMBER
			1787	
			MAIL DATE	DELIVERY MODE
			10/26/2010	PAPER

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

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



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BC

October 26, 2010

In re application of : DECISION ON REQUEST TO
Sang-Hyuk Im et al. : PARTICIPATE IN PATENT
Serial No. 12/451,461 : PROSECUTION HIGHWAY
Filed: November 13, 2009 : PROGRAM AND
For: COMPOSITION FOR ANTI-GLARE : PETITION TO MAKE SPECIAL
FILM AND ANTI-GLARE FILM PREPARED : UNDER 37 CFR 1.102(a)
USING THE SAME :

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed September 17, 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 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. 12/451,461

- 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 fail because:

(6) No IDS has been filed that cites the documents cited by the KIPO examiner in the KIPO prosecution.

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 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.
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12/451,461	11/13/2009	Sang-Hyuk Im	29137.539.00	4788
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30827 7590 11/15/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
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1787

MAIL DATE	DELIVERY MODE
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11/15/2010 PAPER

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

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BC

November 15, 2010

In re application of	:	DECISION ON REQUEST TO
Sang-Hyuk Im et al.	:	PARTICIPATE IN PATENT
Serial No. 12/451,461	:	PROSECUTION HIGHWAY
Filed: November 13, 2009	:	PROGRAM AND
For: COMPOSITION FOR ANTI-GLARE	:	PETITION TO MAKE SPECIAL
FILM AND ANTI-GLARE FILM PREPARED	:	UNDER 37 CFR 1.102(a)
USING THE SAME	:	

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 November 04, 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 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. 12/451,461

- 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.
12/451,464	11/13/2009	Sang-Hyuk Im	29137.540.00	2537
30827	7590	11/02/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			REDDY, KARUNA P	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			1764	
			MAIL DATE	DELIVERY MODE
			11/02/2011	PAPER

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

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11/2/11

In re application of : DECISION ON REQUEST TO
Sang-Hyuk Im et al. : PARTICIPATE IN PATENT
Serial No. 12/451,464 : PROSECUTION HIGHWAY
Filed: November 13, 2009 : PROGRAM AND
Attorney Docket No: 29137.540.00 : 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 July 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);
 - 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. 12/451,464

- 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.
12/451,484	11/13/2009	Shuichi Nagata	143556	5043
25944	7590	08/03/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			CHAN, HENG M	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			1728	
			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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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August 2, 2011

WG

In re application of	:	DECISION ON REQUEST TO
Shuichi Nagata et al.	:	PARTICIPATE IN PATENT
Serial No. 12/451,484	:	PROSECUTION HIGHWAY
Filed: November 13, 2009	:	PROGRAM AND
For: BATTERY COOLING STRUCTURE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed July 7, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
 - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;

Application No. 12/451,484

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the 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; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

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

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

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

Any inquiry regarding this decision should be directed to 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,492	11/16/2009	Clifford William Devine	ACE-40335	6347
7590 09/13/2011				
HORSEPOWER IP		EXAMINER		
ANTONY C. EDWARDS		NGUYEN, GEORGE BINH MINH		
206,-3500 CARRINGTON ROAD		ART UNIT		PAPER NUMBER
WESTBANK, BC V4T 3C1		3723		
CANADA		MAIL DATE		DELIVERY MODE
		09/13/2011		PAPER

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

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

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the CIPO application. It is noted CIPO allowed only 5 claims, to wit, claims 1, 2, 5, 9, 10. The current application has 17 claims pending. At least 12 claims do not correspond with the CIPO allowed claims. Thus, Item #3 is not satisfied and for this reason the petition can not be granted.

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. The application will be forwarded to the examiner for action in its regular turn.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,492	11/16/2009	Clifford William Devine	ACE-40335	6347

7590 10/02/2011
HORSEPOWER IP
ANTONY C. EDWARDS
206,-3500 CARRINGTON ROAD
WESTBANK, BC V4T 3C1
CANADA

EXAMINER

NGUYEN, GEORGE BINH MINH

ART UNIT	PAPER NUMBER
3723	

MAIL DATE	DELIVERY MODE
10/02/2011	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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HORSEPOWER IP
ANTONY C. EDWARDS
206,-3500 CARRINGTON ROAD
WESTBANK BC V4T 3C1 CA CANADA

In re Application of :
DEVINE, CLIFFORD WILLIAM , et al. : DECISION ON REQUEST TO
Application No. 12/451,492 : PARTICIPATE IN PATENT
Filed: November 16, 2009 : PCT/PROSECUTION HIGHWAY
Attorney Docket No. ACE-40335 : PROGRAM AND PETITION
For: BOOM MOUNTABLE ROBOTIC ARM : 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 26, 2011 to make the above-identified application special.

The request and petition are granted.

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

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

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

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Joseph Hail, SPE of Art Unit 3723, and 571-272-4485 for Class 254 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)
Application Number	12451501
Filing Date	16-Nov-2009
First Named Inventor	Yoshito Tanaka
Art Unit	2835
Examiner Name	XIAOLIANG CHEN
Attorney Docket Number	143554
Title	ANISOTROPIC CONDUCTIVE MATERIAL, CONNECTED STRUCTURE, AND PRODUCTION METHOD THEREOF

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:

- (1) Petition fee; and
- (2) One of the following reasons:
 - (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
 - (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
 - (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

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

Reason for withdrawal from issue

- One or more claims are unpatentable
- Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that :
- The RCE request ,submission, and fee have already been filed in the above-identified application on
 - Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

Signature	/Justin T. Lingard/
Name	Justin T. Lingard
Registration Number	61276



UNITED STATES 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 26, 2012

In re Application of :

Yoshito Tanaka

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12451501

Filed : 16-Nov-2009

Attorney Docket No : 143554

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 26, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

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

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

This application file is being referred to Technology Center AU 2835 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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Axis Intellectual Capital Pte Ltd
21/21A Duxton Road
Singapore 08948-7 SG SINGAPORE

MAILED

In re Application of : DECISION ON FEB 16 2011
TAN et al :
Application No.: 12/451,531 :
PCT No.: PCT/SG2008/000176 : PCT LEGAL ADMINISTRATION
Int. Filing Date: 09 May 2008 :
Priority Date: 22 January 2007 :
Attorney's Docket No.: JOOK-P010US (WO) :
For: WIRELESS SHARING OF AUDIO ... :
STREAMLINED PURCHASING : 37 CFR 1.181

This is in response to petitioner's "Petition to Vacate Abandonment" filed 26 November 2010, which is being treated as a petition under 37 CFR 1.181 requesting that the above-identified international application to withdraw holding of abandonment because the response was filed timely as evidenced by the USPTO stamped postcard.

BACKGROUND

On 17 November 2009, applicant filed a Transmittal letter 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 20 January 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 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 must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment

On 05 November 2010, the USPTO mailed applicant a Notification of Abandonment (Form PCT/DO/EO/909) indicating the application was abandoned because applicant failed to respond to the notification of Missing Requirements (Form PCT/DO/EO/905), mailed 01/20/2010 within the time period set therein.

On 26 November 2010, applicant filed the current petition indicating that a response was timely on 11 February 2010 as evidence by the Express Mail Receipt EG 072334079 US and USPTO stamped postcard.

DISCUSSION

Applicant's present petition is accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the USPTO as indicated in the USPTO stamped postcard:

- (1) Power of Attorney (4 sheets)
- (2) Declaration under 37 CFR 1.63 (2 sheets)
- (3) Assignment

The postcard lists the above items and bears a USPTO date of stamp as 11 February 2010.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that a Declaration was deposited with the U.S. Patent and Trademark Office on 11 February 2010.

Accordingly, the date of receipt for the executed Declaration is 11 February 2010.

DECISION

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

Applicant's request to withdraw the "NOTIFICATION OF ABANDONMENT" is **GRANTED**. The NOTIFICATION OF ABANDONMENT, mailed 05 November 2010 has been **VACATED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date is **11 February 2010**.


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
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MAILED

FEB 11 2011

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

PCT LEGAL ADMINISTRATION

In re Application of:	:	
CHEN, Changming, et al.	:	DECISION ON REQUEST TO
U.S. Application No.: 12/451,544	:	CORRECT INVENTORSHIP
PCT No.: PCT/CN2008/072563	:	(37 CFR 1.497(d))
International Filing Date: 27 September 2008	:	
Priority Date: 27 September 2008	:	
Attorney's Docket No.: USP4350C/SZ461-SZZ	:	
For: SELENIUM COVERED BASIC COPPER	:	
CHLORIDE, ITS PREPARATION	:	
METHOD AND THE USE	:	

This decision is issued in response to the "Request to Correct Inventorship" filed 08 December 2010, treated herein as a request under 37 CFR 1.497(d). Applicants have paid the required processing fee.

BACKGROUND

On 27 September 2008, applicants filed international application PCT/CN2008/072563. The application did not claim an earlier priority date, and it designated the United States. On 01 April 2010, 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 is thirty months from the priority date, i.e., 27 March 2011. The published international application identified four applicant/inventors for the United States: Changming CHEN, Yanshen WEN, Danyang LI, and Pengju MAO.

On 16 November 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, English translation of the international application, executed declaration, and express request to begin national examination procedures.

On 05 October 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. The Notification indicated that the

declaration filed on 16 November 2009 was defective because it included an inventor, Yihua PENG, who is not an inventor of record in the international application.¹

On 08 December 2010, applicants filed a response to the Notification Of Missing Requirements that included two revised declarations and the "Request to Correct Inventorship" considered herein under 37 CFR 1.497(d).

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)).

The "Request to Correct Inventorship" filed on 08 December 2010 states that the correct inventors for the present application are Changming CHEN, Yanshen WEN, Danyang LI, and Pengju MAO, the inventors of record in the international application, as well as an additional inventor, Yihua PENG. Applicants therefore seek to add Yihua PENG as an additional inventor of record. As discussed in the MPEP, to make the requested change in inventorship applicants must submit the materials required under 37 CFR 1.497(d).

Applicants' present submission includes the required statement of non-deceptive intent from the inventor to be added, Yihua PENG, and payment of the required processing fee. Requirements (A) and (B) of a grantable request under 37 CFR 1.497(d) are therefore satisfied.

With respect to requirement (C), the assignee's consent, such consent must be provided in accordance with 37 CFR 3.71. Here, applicants have submitted a document entitled "Written Consent of the Assignee" wherein HU Shigang, identified as a "Corporate Representative," consents to the change in inventorship on behalf of the assignee. HU Shigang has stated on the previously filed "Statement Under 37 CFR 3.73(b)" (Form PTO/SB/96) that he is authorized to act on behalf of the assignee; however, the "Statement Under 37 CFR 3.73(b)" (Form PTO/SB/96) filed by the assignee in the present application does not include all the information and statements required under 37 CFR 3.73(b). Specifically, the statement does not indicate the

¹ It is noted that the declaration filed on 16 November 2009 was also defective because it failed to include inventor of record Danyang LI. Thus, even if applicants successfully add Yihua PENG as an additional inventor of record herein, the declaration filed on 16 November 2009 would remain unacceptable under 37 CFR 1.497.

reel and frame number where the assignment was recorded with the USPTO or, in the alternative, that a copy of the assignment is provided therewith and that an additional copy of the assignment has been submitted for recording in the USPTO (see 37 CFR 3.73(b)(1)). Because the consent of the assignee has not been submitted in compliance with 37 CFR 3.73(b), the consent may not be accepted in satisfaction of requirement (C) of a grantable request under 37 CFR 1.497(d). Applicants must provide a properly completed statement in compliance with 37 CFR 3.73(b) before the assignee's consent may be accepted.

In addition, applicants must provide clarification with respect to the two conflicting declarations filed with the present request. Specifically, applicants 08 December 2010 submission included two different declarations, both executed on 05 December 2010. One of the declarations names the four inventors currently of record in the international application: Changming CHEN, Yanshen WEN, Danyang LI, and Pengju MAO. The other declaration names these four inventors plus Yihua PENG, that is, the five inventors applicants identify as the correct inventors in the present submission. Before either declaration filed on 08 December 2010 may be accepted, applicants must provide a clarifying statement explaining why the inventors have, on the same date, executed two declarations identifying a different inventive entity. Such statement must also confirm which of these two declarations names the correct inventive entity and should be accepted under 37 CFR 1.497.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice. The inventorship of record remains that set forth in the international application, that is, Changming CHEN, Yanshen WEN, Danyang LI, and Pengju MAO.

The two conflicting declarations filed 08 December 2010 are not acceptable on the present record in view of the conflicting inventive entities listed thereon.

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 be entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the additional materials required for a grantable request to add Yihua PENG as an additional inventor of record, as discussed above and in the MPEP, that is, an acceptable statement under 37 CFR 3.73(b) from the assignee and an acceptable clarifying statement regarding the two conflicting declarations filed on 08 December 2010.

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

Application No. 12/451,544

4

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



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 28 2011

PCT LEGAL ADMINISTRATION

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United States Patent and Trademark Office
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DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

In re Application of:	:	
CHEN, Changming, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/451,544	:	REQUEST TO CORRECT
PCT No.: PCT/CN2008/072563	:	INVENTORSHIP
International Filing Date: 27 September 2008	:	(37 CFR 1.497(d))
Priority Date: 27 September 2008	:	
Attorney's Docket No.: USP4350C/SZ461-SZZ	:	
For: SELENIUM COVERED BASIC COPPER	:	
CHLORIDE, ITS PREPARATION	:	
METHOD AND THE USE	:	

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed on 24 February 2011. Applicants have previously paid the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 11 February 2011. The decision dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had failed to provide the assignee's consent to the requested change in the form required under 37 CFR 3.73(b). The decision also stated that an explanation was required regarding the conflicting declarations filed by applicants.

On 24 February 2011, applicants filed the renewed request under 37 CFR 1.497(d) considered herein.

DISCUSSION

The renewed petition provides the required explanation regarding the conflicting declarations filed on 08 December 2010. Specifically, applicants confirm that the declaration which includes five inventors, including added inventor Yihua PENG, sets forth the correct inventive entity and that the declaration listing only the original four inventors was submitted solely to satisfy procedural requirements, if necessary.

The renewed request under 37 CFR 1.497(d) is also accompanied by a copy of the "Statement Under 37 CFR 3.73(b)" (Form PTO/SB/96) accompanied by copies of the relevant assignments. These materials, in combination with the previously filed "Written Consent of the

Assignee," provide the assignee's consent to the requested change in inventorship in compliance with 37 CFR 3.73(b).

Based on the above, applicants have now satisfied the final outstanding requirement of a grantable request under 37 CFR 1.497(d). The requested addition of Yihua PENG as an additional inventor of record in the present application is therefore appropriately granted.

CONCLUSION

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

The inventorship of record herein is corrected to add Yihua PENG as an additional inventor of record.

Based on the above correction and applicants' statements in the present submission, the declaration filed on 08 December 2010 which lists five inventors, including Yihua PENG, is acceptable 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 08 December 2010.

/RichardMRoss/

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



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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of :
Ran et al. :
Application No. 12/451,547 : ON PETITION
Filed: 11/18/2009 :
Attorney Docket No. 47352 :

This is in response to the Petition To Accept Color Drawings/Photographs, filed in the United States Patent and Trademark Office (USPTO) on November 18, 2009, which is treated as a petition under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

The petition does not comply with 37 CFR 1.84(a)(2)(iii) in that the present petition does not include an amendment to the specification contained on a separate paper (See 37 CFR 1.121(h), nor is the amendment in compliance with 37 CFR 1.121(b). Rather, the amendment is physically part of the petition and is therefore unacceptable.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. MPEP 608.02,

As such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore dismissed.

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

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

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2886.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, L.L.P.
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON, DC 20005-1503

MAILED
MAY 06 2011
OFFICE OF PETITIONS

Applicants: Nakamura, et al.
Appl. No.: 12/451,564
International Filing Date: May 20, 2008
Title: PHARMACEUTICAL CONTAINING PPAR Δ AGONIST
Attorney Docket No.: 2009_1847A
Pub. No.: US 2010/0190833 A1
Pub. Date: July 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 6, 2010, for the above-identified application.

The request is dismissed.

Applicant request that the application be republished because the patent application publication contains material errors in the title and numerous errors in the specification.

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

The request for corrected publication, received on October 6, 2010, was not timely filed under 37 CFR 1.221(b).

On April 23, 2010, a **Filing Receipt** was mailed by the Office, which incorrectly listed the title. 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.

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).

Applicants are encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center): Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication” and questions or request for reconsideration of the decision, should be addressed as follows:

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

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/451,564	03/16/2010	Yoshikuni Nakamura	2009_1847A	7982
513	7590	08/26/2011	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503			FAY, ZOHREH A	
			ART UNIT	PAPER NUMBER
			1627	
			NOTIFICATION DATE	DELIVERY MODE
			08/26/2011	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com



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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

Applicant: Nakamura et al.
Appl. No.: 12/451,564
Filing Date: March 16, 2010
Title: PHARMACEUTICAL CONTAINING PPAR DELTA AGONIST
Attorney Docket No.: 2009_1847A
Pub. No.: US 2010/0190833 A1
Pub. Date: July 29, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on August 17, 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: 08/26/2011 KKING1
08/18/2011 INTEFSW 00000366 12451564
01 FC:1504 -300.00 OP

Refund Ref:
08/26/2011 0030101617

Credit Card Refund Total: \$300.00

VISA....: XXXXXXXXXXXX1072



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,671	11/24/2009	Kenji Yamada	143655	7365
25944	7590	10/27/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			AGARED, GABRIEL T	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			2837	
			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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

**In re Application of
YAMADA, KENJI**
Application No.: 12/451,671
Filed: November 24, 2009
Attorney Docket No.: 143655

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 29, 2009, 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 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 this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,702	11/25/2009	Dae-Hyun Kim	29137.541.00	2066
30827	7590	05/10/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			SHEWAREGED, BETELHEM	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			1785	
			MAIL DATE	DELIVERY MODE
			05/10/2011	PAPER

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

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



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MAY 10 2011

CST

In re application of : DECISION ON REQUEST TO
Dae-Hyun Kim et al : PARTICIPATE IN PATENT
Serial No. 12/451,702 : PROSECUTION HIGHWAY
Filed: November 25, 2009 : PROGRAM AND
For: INK COMPOSITION : PETITION TO MAKE SPECIAL
ROLL FOR PRINTING : UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed April 22, 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. 12/451,702

- (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/eac/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.
12/451,712	11/25/2009	Takayuki Takahashi	85230(302721)	5201

21874 7590 03/09/2011
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
03/09/2011	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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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re application of
Takahashi et al.
Application No. 12/451,712
Filed: November 25, 2009
For: THREE-DIMENSIONAL CAM
MECHANISM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 27, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, 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 January 27, 2011 and the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 03/08/11



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/451,713 04/02/2010 Jan Fagerström P73301US0 8890

7590 12/08/2011
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

HU, HENRY S

ART UNIT PAPER NUMBER

1764

MAIL DATE DELIVERY MODE

12/08/2011

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

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

The petition is dismissed.

The express abandonment will not be recognized for the reason(s) indicated below:

- 1. The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Mimi Farmer (handwritten signature)

Patent Publication Branch
Office of Data Management



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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED
SEP 23 2010
OFFICE OF PETITIONS

In re Application: :
Brian T. Cunningham et al. :
Application No. 12/451,724 : NOTICE
Filed: February 12, 2010 :
Attorney Docket No. 05-658-G-WO-US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed July 26, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See *DH Technology v. Synergystex International, Inc.* 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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

This file is being forwarded to Technology Center 1641 for further processing.

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



02 SEP 2010

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

In re Application of: KUWAHARA, Seiji, et al. :
U.S. Application No.: 12/451,764 : DECISION
PCT No.: PCT/IB2008/002801 :
International Filing Date: 21 October 2008 :
Priority Date: 22 October 2007 :
Attorney Docket No.: 143307 :
For: SHIFT CONTROL DEVICE AND :
SHIFT CONTROL METHOD FOR :
AUTOMATIC TRANSMISSION :

This decision is issued in response to the "Request For Corrected Notice Of Acceptance" filed 05 March 2010, treated herein as a petition under 37 CFR 1.181 to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" listed on the "Notification Of Acceptance" (Form PCT/DO/EO/903). No petition fee is required.

BACKGROUND

On 21 October 2008, applicants filed international application PCT/IB2008/002801. The international application claimed a priority date of 22 October 2007, and it designated the United States. On 30 April 2009, 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 thirty months from the priority date, i.e., 22 April 2010.

On 30 November 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 executed declaration. The submission did not include an express request to begin national examination procedures pursuant to 35 U.S.C. 371(f).

On 25 February 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 30 November 2009. The Notification indicated that a request for immediate examination was filed on 30 November 2009. Also on 25 February 2010, a filing receipt was issued that identified the "Filing Date or 371(c) Date" as 30 November 2009.

On 05 March 2010, applicant filed the "Request For Corrected Notice Of Acceptance" considered herein.¹

DISCUSSION

The present petition requests a corrected Notification Of Acceptance identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 22 April 2010. MPEP section 1893.03(b), sets forth the following criteria for determining the correct "Date Of Completion Of all 35 U.S.C. 371 Requirements" listed on the Notification Of Acceptance:

The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... the latest of:

- (A) the date of submission of the basic national fee;
- (B) the date of submission or communication of the copy of the international application;
- (C) the date of submission of the translation of the international application if the international application is not in the English language;
- (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
- (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
- (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
- (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

In the present application, elements "A," "B," and "D" were satisfied as of 30 November 2009, and elements "C," "F", and "G" do not apply. The appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is therefore determined by element "E." As noted above, the materials filed by applicants on 30 November 2009 to initiate the present application did not include a "request for early processing under 35 U.S.C. 371(f)," nor was such a request included in any subsequent submission. Accordingly, pursuant to element "E," the appropriate "Date Of

¹ This submission was accompanied by a request for a corrected filing receipt which will be addressed separately in due course.

Completion Of All 35 U.S.C. 371 Requirements” is thirty months from the priority date, i.e., 22 April 2010 (“the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(c)(4)”).

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 25 February 2010, which incorrectly listed 30 November 2009 as the “Date Of Completion Of All 35 U.S.C. 371 Requirements” is appropriately vacated.

A corrected Notification of Acceptance will be issued that does not indicate that a request for immediate examination was filed on 30 November 2009 and which properly identifies the “Date Of Completion Of All 35 U.S.C. 371 Requirements” as 22 April 2010. The “Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements” remains 30 November 2009, as correctly listed on the Notification Of Acceptance and filing receipt.

CONCLUSION

The petition to correct the “Date Of Completion Of All 35 U.S.C. 371 Requirements” is **GRANTED**.

The Notification Of Acceptance mailed 25 February 2010 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 the issuing of a corrected “Notification Of Acceptance” (Form PCT/DO/EO/903) that does not indicate that a request for immediate examination was filed on 30 November 2009, and which properly identifies the “Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements” as **30 November 2009** and the “Date Of Completion Of All 35 U.S.C. 371 Requirements” as **22 April 2010**.



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



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ALEXANDRIA VA 22320-4850

PCT LEGAL ADMINISTRATION

In re Application of: KUWAHARA, Seiji, et al.	:	
U.S. Application No.: 12/451,764	:	DECISION ON PETITION
PCT No.: PCT/IB2008/002801	:	(37 CFR 1.181)
International Filing Date: 21 October 2008	:	
Priority Date: 22 October 2007	:	
Attorney Docket No.: 143307	:	
For: SHIFT CONTROL DEVICE AND	:	
SHIFT CONTROL METHOD FOR	:	
AUTOMATIC TRANSMISSION	:	

This decision is issued in response to the "Request For Correction Of PALM Records" filed on 22 September 2010 and resubmitted on 21 December 2010, treated herein as a petition under 37 CFR 1.181 to correct the "Filing or 371(c) Date" displayed in PALM records and listed on the filing receipt issued herein. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision issued on 02 September 2010. The decision granted applicants' petition for a revised "Notification Of Acceptance" (Form PCT/DO/EO/903) in which the "Date Of Completion Of All 35 U.S.C. 371 Requirements" was corrected from 30 November 2009 to 22 April 2010.

On 16 September 2010, consistent with the 02 September 2010 decision, a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) was issued identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" as 30 November 2009 and the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 22 April 2010. Also on 16 September 2010, a filing receipt was issued which identified the "Filing or 371(c) Date" as 30 November 2009.

On 22 September 2010, applicants filed the "Request For Correction Of PALM Records" considered herein. The request seeks correction of the "Filing or 371(c) Date" from 30 November 2009 to 22 April 2010. Applicants re-submitted the "Request For Correction Of PALM Records" on 21 December 2010.

DISCUSSION

As set forth in the previous decision, based on the criteria set forth in MPEP section 1893.03(b), the appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" for the present application is 22 April 2010, as set forth in the corrected "Notification Of Acceptance"

issued on 16 September 2010. However, as also stated in the previous decision, the correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" for the present application is 30 November 2009, as correctly listed on the original "Notification Of Acceptance" issued on 25 February 2010 and maintained on the corrected "Notification Of Acceptance" issued on 16 September 2010.

MPEP section 1893.03(b) explains that the "Filing or 371(c) Date" field displayed in PAIR and set forth on the filing receipt is the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements," not the "Date Of Completion Of All 35 U.S.C. 371 Requirements." Thus, the 30 November 2009 "Filing or 371(c) Date" displayed in PAIR and listed on the filing receipt issued herein is correct, as such date corresponds to the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" for the present application.

In view of the above, applicants' present request that PALM records and the filing receipt be corrected to identify the "Filing or 371(c) Date" as 22 April 2010 (the "Date Of Completion Of All 35 U.S.C. 371 Requirements") rather than 30 November 2009 (the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements") is appropriately dismissed.

CONCLUSION

For the reasons set forth above, applicants' petition to correct the "Filing or 371(c) Date" is **DISMISSED** without prejudice.

PALM records and the filing receipt issued herein correctly identify the "Filing or 371(c) Date" as 30 November 2009, the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" for the present application.

The application is being referred to Group Art Unit 3655 for examination.

/RichardMRoss/

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,778	04/02/2010	Jang-Yeon Hwang	29137.547.00	1492
30827	7590	07/12/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			AUER, LAURA	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			1783	
			MAIL DATE	DELIVERY MODE
			07/12/2011	PAPER

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

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



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July 12, 2011

WG

In re application of	:	DECISION ON REQUEST TO
Jang-Yeon Hwang et al.	:	PARTICIPATE IN PATENT
Serial No. 12/451,778	:	PROSECUTION HIGHWAY
Filed: April 2, 2010	:	PROGRAM AND
For: MULTIPLE-LAYER FILM AND	:	PETITION TO MAKE SPECIAL
METHOD FOR MANUFACTURNIG	:	UNDER 37 CFR 1.102(a)
THE SAME	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) 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. 12/451,778

(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>.

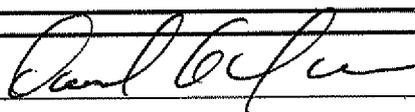
Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM		
Attorney Docket Number: 143684	Application Number (if known): 12/451,780	Filing date: November 30, 2009
First Named Inventor: Shinichi OTAKE		
Title: Hybrid Vehicle		
APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.		
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.		
1. By filing this petition:		
<u>Applicant is requesting early publication:</u> Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.		
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.		
3. This request is accompanied by statements of special status for the eligibility requirement.		
4. The application contains no more than three (3) independent claims and twenty (20) total claims.		
5. The application does not contain any multiple dependent claims.		
6. Other attachments: _____		
Signature 	Date	August 5, 2011
Name (Print/Typed) Daniel A. Tanner, III for James A. Oliff	Registration Number	54,734
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.		
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.		

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

**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.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shinichi OTAKE

Application No.: 12/451,780

Filed: November 30, 2009

Docket No.: 143684

For: HYBRID VEHICLE

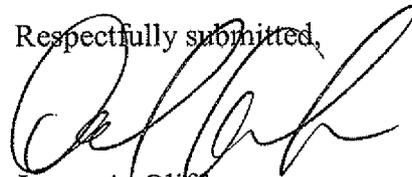
STATEMENT OF THE BASIS FOR SPECIAL STATUS

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

Sir:

Special status is sought for Application No. 12/451,780 because the invention materially contributes to (1) the more efficient utilization and conservation of energy resources and (2) the reduction of greenhouse gas emissions. The materiality standard is met because the invention is directed to a mode specific travel distance display means for proportionally displaying travel distance in an electric vehicle (EV) traveling mode and travel distance in a hybrid vehicle (HV) traveling mode. The invention presents a driver with a ratio of travel distance in the EV mode and travel distance in HV mode, making it possible for the driver to easily recognize an EV/HV travel ratio and to adjust the driving style in a manner that reduces gasoline consumption and greenhouse gas emissions.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Daniel A. Tanner, III

Registration No. 54,734

JAO:DAT/cfr

Date: August 5, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION

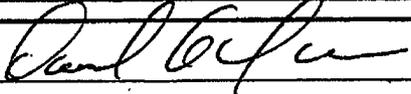
Please grant any extension
necessary for entry of this filing;

Charge any fee due to our
Deposit Account No. 15-0461

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM		
Attorney Docket Number: 143684	Application Number (if known): 12/451,780	Filing date: November 30, 2009
First Named Inventor: Shinichi OTAKE		
Title: Hybrid Vehicle		
APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.		
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.		
1. By filing this petition: <u>Applicant is requesting early publication:</u> Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.		
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.		
3. This request is accompanied by statements of special status for the eligibility requirement.		
4. The application contains no more than three (3) independent claims and twenty (20) total claims.		
5. The application does not contain any multiple dependent claims.		
6. Other attachments: _____		
Signature 	Date August 5, 2011	
Name (Print/Typed) Daniel A. Tanner, III for James A. Oliff	Registration Number 54,734	
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.		
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.		

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

11/03/2011 SDIRETA1 00000002 150461 12451780
01 FC:1504 300.00 DA



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,780	11/30/2009	Shinichi Otake	143684	7369

25944 7590 11/07/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

DIACOU, ARI M

ART UNIT	PAPER NUMBER
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3663

NOTIFICATION DATE	DELIVERY MODE
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11/07/2011

ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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Alexandria, VA 22313-1450
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NOV 04 2011

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
SHINICHI OTAKE	:	DECISION ON PETITION
Application No. 12/451,780	:	TO MAKE SPECIAL UNDER
Filed: November 30, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 143684	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 5, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 item 4.

In regard to item 4, the disclosure provides no evidence that the claimed mode specific travel distance display means materially contributes to the efficient utilization/conservation of energy resources or reduction of the greenhouse gas emissions. As a display means, the claimed invention merely provides travel and charging information to the driver but it has no effects on the operation of the vehicle. There is no evidence that travel and charging information can motivate a driver to switch to EV mode. Depends on the driver's schedule and driving styles, roadway types and traffic condition, the EV mode may not be implemented for a trip path or on every trip. In addition, it is noted that in a hybrid vehicle, the electric motor draws power from the battery that was charged by the ICE which consumes petroleum, or an outside electrical power source such as a power grid which consumes coal. As the claimed vehicle uses both petroleum (directly) and coal (indirectly) there is no conservation of energy resources. There can be no reduction in greenhouse gas emissions since both coal and petroleum produce greenhouse gases. It appears that petitioner's assertion of the claimed invention's contribution to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions are speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3663 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shinichi OTAKE

Group Art Unit: 3663

Application No.: 12/451,780

Examiner: A. DIACOU

Filed: November 30, 2009

Docket No.: 143684

For: HYBRID VEHICLE

**REQUEST FOR RECONSIDERATION OF DECISION DENYING ENTRY INTO
THE GREEN TECHNOLOGY PILOT PROGRAM**

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

Sir:

Applicant respectfully requests reconsideration of the Patent Office's Decision dismissing Applicant's Petition to Make Special Under the Green Technology Pilot Program mailed November 7, 2011.

As stated on page 2 of the Decision, the Decision asserts that Applicant's Petition lacks item 4 ("if the disclosure is not clear upon its face that the claimed invention materially contributes to 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"). The Decision specifically asserts:

"the disclosure provides no evidence that the claimed mode specific travel distance display means materially contributes to the efficient utilization/conservation of energy resources or reduction of the greenhouse gas emissions. As a display means, the claimed invention merely provides travel and charging information to the driver but it has no effects on the operation of the vehicle. There is no evidence that travel and charging information can

motivate a driver to switch to EV mode. Depends on the driver's schedule and driving styles, roadway types and traffic condition, the EV mode may not be implemented for a trip path or on every trip. In addition, it is noted that in a hybrid vehicle, the electric motor draws power from the battery that was charged by the ICE which consumes petroleum, or an outside electric power source such as a power grid which consumes coal. As the claimed vehicle uses both petroleum (directly) and coal (indirectly) there is no conservation of energy resources. There can be no reduction in greenhouse gas emissions since both coal and petroleum produce greenhouse gases. It appears that petitioner's assertion of the claimed invention's contribution to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions are speculative."

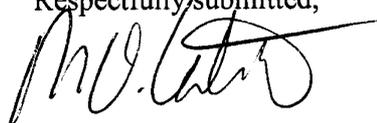
First, the decision errs when it asserts that the claimed invention is merely a "mode specific travel distance display means." Although a "display means" is part of independent claim 1, independent claim 1 is directed to a hybrid vehicle. Furthermore, independent claim 1 recites that the hybrid vehicle is operable in an EV mode (in which the motor is operated with the engine stopped) and in an HV mode. Thus, the claimed invention is not merely a display, but rather is a hybrid vehicle having a display and operable in EV and HV modes.

Second, Applicant respectfully submits that a hybrid vehicle, as recited in Applicant's claims, operable in an EV and HV mode is *per se* the appropriate subject matter for entry into the green technology pilot program. It is beyond dispute that hybrid vehicles materially contribute to "the more efficient utilization and conservation of energy resources" and to "greenhouse gas emission reduction." For example, as described at page 1, line 10 - page 2, line 2 of Applicant's specification, hybrid vehicles enable the engine of the vehicle to be driven with a steady load (because the motor/generator can be used in conjunction with the engine), which suppresses the discharge of toxic substances and improves (reduces) fuel consumption. In addition, the driving power of the engine is available when the vehicle is

running at constant speed, which is when the engine can be operated most efficiently. Furthermore, when operated in the EV mode, there are no emissions. When driving in urban areas, it is possible to keep the engine stopped (particularly when using a plug-in hybrid as described at page 1, lines 25-29) at all times, which obviously contributes to "greenhouse gas emission reduction" and "the more efficient utilization and conservation of energy resources."

Accordingly, Applicant requests the Patent Office to reconsideration its Decision dismissing Applicant's August 5, 2011 Petition to Participate in the Green Technology Pilot Program.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Mario A. Costantino
Registration No. 33,565

JAO:MAC/amt

Date: November 30, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,780	11/30/2009	Shinichi Otake	143684	7369
25944	7590	12/12/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			DIACOU, ARI M	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3663	
			NOTIFICATION DATE	DELIVERY MODE
			12/12/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

12/12/11

In re Application of :
Shinichi Otake : DECISION ON PETITION
Application No. 12/451,780 : TO MAKE SPECIAL UNDER
Filed: November 30, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. 143684 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 30, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,844	12/03/2009	Katsuyuki Kawai	143744	9689
25944	7590	07/27/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			HOANG, JOHNNY H	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3747	
			NOTIFICATION DATE	DELIVERY MODE
			07/27/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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Commissioner for Patents
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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of: : DECISION ON A REQUEST TO
KAWAI, KATSUYUKI, et al : PARTICIPATE IN PATENT
Serial No.: 12/451844 : PCT/PROSECUTION HIGHWAY
Filed: 12/03/2009 : PROGRAM AND PETITION
Attorney Docket No. : 143744 : TO MAKE SPECIAL UNDER
Title: CONTROLLER AND CONTROL : CFR 1.102(a)
METHOD FOR INTERNAL :
COMBUSTION ENGINE :

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 7, 2011 to make the above-identified application special.

The request and petition are **granted**.

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

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

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

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

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

Petition is **granted**.

/Henry C. Yuen/

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Steve Masson
720 Saratoga Ave Apt V201
San Jose CA 95129

MAILED

SEP 23 2011

OFFICE OF PETITIONS

In re Application of :
Steve Masson :
Application No. 12/451,863 : DECISION ON PETITION
Filed: December 2, 2009 :
Attorney Docket No. :

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

The petition is **DISMISSED AS MOOT**.

Our records indicate that the above-identified application is not abandoned. Therefore, as the instant application is not abandoned, the petition and fee of \$270 is deemed unnecessary. Petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

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

This application is being referred to Technology Center AU 2443 for appropriate action by the Examiner in the normal course of business.


David Buccì
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

DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON VA 22203

MAILED

MAR 29 2011

In re Application of :
ROLANDO et al. :
Application No.: 12/451,883 :
PCT No.: PCT/IT07/00394 :
Int. Filing Date: 5 June 2007 :
Priority Date: None :
Attorney Docket No.: 2675-0066 :
For: PULLEY TENSIONER FOR AN OIL WET BELT :
DRIVE :

DECISION

PCT LEGAL ADMINISTRATION

This is a decision on applicant's response to the Notification of Defective Response filed on 13 April 2010 in the United States Patent and Trademark Office.

On 02 February 2010, a Notification of Missing Requirements was mailed to applicant indicating that the 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 26 March 2010, a response to the Notification was filed along with an executed declaration along with the \$130 surcharge for late filing of declaration. It is noted that the declaration is an Italian/English declaration. As set forth in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. Applicant should provide a statement regarding the accuracy of the English translation of the Italian/English language declaration.

Thereafter on 09 April 2010, a Notice of Defective Response was mailed to applicant indicating that the processing fee for filing an English translation of the international application was required.

On 13 April 2010, applicant filed the instant response indicating that the publication language of the International application was English. A review of the publication indeed reveals that the international application text was in English. No processing fee for filing the English translation after the thirty month period is required.

The 09 April 2010 Notification of Defective Response is hereby **VACATED**. The processing fee (\$130) will be refunded to applicant's deposit account.

The application will be held in PCT Legal Office to await applicant's further reply. A statement regarding the accuracy of the English translation of the Italian/English language declaration is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286



27 SEP 2010

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

Agneta Bylehn Sunden
Les Champs Blancs 101
Chavannes-de-Bogis CH-12-79 CH
Switzerland

In re Application of :
BYLEHN SUNDEN *et al* :
Application No.: 12/451,965 :
PCT No.: PCT/SE2008/000408 :
Int. Filing Date: 25 June 2008 :
Priority Date: 11 July 2007 :
Attorney Docket No.: None :
For: PRODUCTION OF ACIDIC :
POLYSILICATE PRODUCTS AND :
THEIR APPLICATION TO :
STRENGTHEN WOODEN :
STRUCTURES :

DECISION

This is a decision on the papers filed 27 July 2010 which are treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 03 June 2010, a decision dismissing applicants' declaration submitted in the international application pursuant to PCT Rule 4.17(iv) was mailed. Applicants were given two months to respond with extensions of time available.

On 27 July 2010, applicants submitted the following response which included a new declaration.

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.

In the prior decision, it was noted that the declaration filed pursuant to PCT Rule 4.17(iv) was not accepted under 37 CFR 1.42 as the legal representative of the deceased inventor did not sign the declaration for Olof SUNDEN as required.

In the response filed 27 July 2010, application, applicants submitted a declaration executed by Agneta BYLEHN SUNDEN as co-inventor. The declaration

included a supplemental sheet listing Ms. BYLEHN SUNDEN as the legal representative of deceased co-inventor, Olof SUNDEN. The supplemental sheet was also executed by Ms. BYLEHN SUNDEN.

The citizenship, residence and address of the legal representative are recorded on the declaration pursuant to 37 CFR 1.497(b)(2), along with the required information for the deceased inventor.

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 25 June 2008, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 27 July 2010.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.


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
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AGNETA BYLEHN SUNDEN
LES CHAMPS BLANCS 101
CHAVANNES-DE-BOGIS CH-12-79 CH
SWITZERLAND

MAILED

AUG 26 2011

OFFICE OF PETITIONS

In re Application of :
Agneta Bylehn Sunden, et al. :
Application No. 12/451,965 : **ON PETITION**
Filed: December 10, 2009 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 15, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 23, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 24, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3).

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;

- (3) An assignee as provided for under §3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Agneta Bylehn Sunden) was ever given a power of attorney to act on behalf of inventor Olof Sunden and Bylehn Sunden, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.


April M. Wise
Petitions Examiner
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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AGNETA BYLEHN SUDEN
LES CHAMPS BLANCS 101
CHAVANNES-DE-BOGIS CH-12-79 CH
SWITZERLAND

MAILED

NOV 03 2011

OFFICE OF PETITIONS

In re Application of :
Agneta Bylehn Suden, et al. :
Application No. 12/451,965 : **DECISION ON PETITION**
Filed: December 10, 2009 :
Attorney Docket No. :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 11, 2011 and supplemented October 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 23, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 24, 2011.

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

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

This application is being referred to Technology Center AU 1731 for appropriate action by the Examiner in the normal course of business on the reply received August 15, 2011 and supplemented August 16, 2011


April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,976	01/12/2010	Takahide Iida	143754	8228
25944	7590	03/30/2011	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			ASSOUAD, PATRICK J	
			ART UNIT	PAPER NUMBER
			2858	
			NOTIFICATION DATE	DELIVERY MODE
			03/30/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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

In re Application of
Takahide HIDA
Application No.: 12/451,976
Filed: 12 January 2010
Attorney Docket No.: 143754
For: ELECTRIC SYSTEM, CHARGING
DEVICE AND CHARGING METHOD
FOR ELECTRIC SYSTEM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 18 February 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 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 then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;

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

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example only, JP claim 1 is directed to a "charging device" and requires a "means for detecting" and "discharge means" while US claim 1 is directed to an "electric system" and requires a "control unit." These limitations do not sufficiently correspond.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

A handwritten signature in black ink, appearing to read 'Lee W. Young', with a stylized flourish at the end.

Lee W. Young
TQAS Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,976	01/12/2010	Takahide Iida	143754	8228
25944	7590	05/04/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			ASSOUAD, PATRICK J	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			2858	
			NOTIFICATION DATE	DELIVERY MODE
			05/04/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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

**In re Application of
Takahide IIDA
Application No.: 12/451,976
Filed: 12 January 2010
Attorney Docket No.: 143754
For: ELECTRIC SYSTEM, CHARGING
DEVICE AND CHARGING METHOD
FOR ELECTRIC SYSTEM**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 18 February 2011 and renewed 02 May 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



UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 16 2011

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United States Patent and Trademark Office
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www.uspto.gov

Carmen Patti Law Group, LLC
One N. LaSalle Street, 44th Floor
Chicago IL 60602

PCT LEGAL ADMINISTRATION

In re Application of: VAISHNAVI, et al.	:	
U.S. Application No.: 12/451,984	:	DECISION
PCT No.: PCT/EP2007/060893	:	(37 CFR 1.47(a))
International Filing Date: 12 October 2007	:	
Priority Date: 06 July 2007	:	
Attorney's Docket No.: 801854 US/LUC-843	:	
For: A METHOD OF PROVIDING A	:	
MESSAGE WAIT SERVICE TO THE	:	
USERS OF AN INTERNET	:	
PROTOCOL BASED TELE-	:	
COMMUNICATION NETWORK	:	

In a decision mailed by this Office on 15 June 2010, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Narayanan VAISHNAVI was dismissed without prejudice based on applicants' failure to satisfy all the requirements of a grantable petition.

On 14 September 2010, applicants filed the "Renewed Petition Under 37 C.F.R. §1.47(a)" considered herein (with required one-month extension fee). The renewed petition was accompanied by a declaration executed by the previously non-signing inventor who was the subject of the petition under 37 CFR 1.47(a), Narayanan VAISHNAVI. This declaration is acceptable in compliance with 37 CFR 1.497.

Applicants have now submitted executed declarations in compliance with 37 CFR 1.497 from each of the inventors of record. Accordingly, applicants' petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of all the inventors is appropriately **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 September 2010.

/RichardMRoss/

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



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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

MAILED
DEC 05 2011

In re Application of : PCT LEGAL ADMINISTRATION
THEVENARD et al. :
Application No.: 12/452,003 : DECISION on
PCT No.: PCT/EP08/56867 :
Int. Filing Date: 04 June 2008 : PETITION
Priority Date: 12 June 2007 :
Attorney Docket No.: PF070063 : UNDER 37 CFR 1.137(b)
For: OMNIDIRECTIONAL VOLUMETRIC ANTENNA :

The petition to revive under 37 CFR 1.137(b) filed 23 September 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 was provided. The required petition fee of \$1620 was also paid. In response to the 12 February 2010 Notification of Missing Requirements, Applicant filed the proper reply-an executed declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the declaration after the thirty month period. 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 23 September 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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James Meadows
MEDICUS ASSOCIATES
4025 Arbor Rd.
JOPLIN MO 64804

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Gil U. Lee et al.	:	
Application No. 12/452,031	:	DECISION ON PETITION
Filed: April 27, 2010	:	TO WITHDRAW
Attorney Docket No. 124-005US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 14, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' by Customer Number when the power of attorney was originally granted individually in the Declaration and Power of Attorney filed April 27, 2010. Also it is noted that the change in correspondence address is improper.

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

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

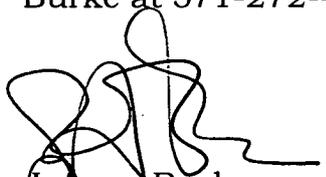
The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming

that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

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 JoAnne Burke at 571-272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions



23995
RABIN & BERDO, PC
1101 14TH Street, NW
Suite 500
Washington, DC 20005

MAILED

MAR 09 2011

PCT LEGAL ADMINISTRATION

In re Application of :
NAKAMURA *et al* :
U.S. Application No.: 12/452,045 :
PCT No.: PCT/US04/00423 :
Int. Filing Date: 07 March 2008 :
Priority Date: 19 September 2007 :
Attorney Docket No.: FEC-272NP :
For: COLOR CONVERSION FILTER AND :
MANUFACTURING METHOD OF THE :
ORGANIC EL DISPLAY :

DECISION

This is a decision on the "Petition to Withdraw Holding of Abandonment" filed on 11 January 2011. No fee is required.

BACKGROUND

On 17 February 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 an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and additional claim fees were required. A two-month time period for response was set with extensions under 37 CFR 1.136(a).

On 19 February 2010, applicants filed a substitute specification and claims.

On 26 April 2010, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was still required. Applicants were given one month to respond or any time remaining in the Form PCT/DO/EO/905, whichever is longer.

On 07 May 2010, applicants purportedly filed a response which included an executed declaration and a one-month extension fee.

On 30 November 2010, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that applicant failed to respond to the Form PCT/DO/EO/905 mailed 17 February 2010 within the time period set therein.

On 11 January 2011, applicants submitted the instant petition to withdraw the holding of abandonment which was accompanied by, *inter alia*, a copy of the

documents purportedly filed 07 May 2010 and a date-stamped postcard receipt for the 07 May 2010 filing and authorization to charge \$170.00 in fees to counsel's credit card.

DISCUSSION

Applicants claim that a response to the Form PCT/DO/EO/916 was filed on 07 May 2010. However, this response is not located in the application.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants provided a copy of the date-stamped postcard receipt for the documents and diskette submitted 07 May 2010. The postcard receipt records that among other papers, applicants included "Declaration." The postcard receipt is stamped "IAP17 Rec'd MAY 07 2010" across its face. The U.S. application number, attorney docket number, filing date and name of the first inventor were listed on the postcard receipt.

Accordingly, applicants have provided *prima facie* evidence that a timely and proper response to the Form PCT/DO/EO/916 was originally received by the USPTO on 07 May 2010.

A review of the declaration filed 07 May 2010 shows that it is in compliance with 37 CFR 1.497(a) and (b).

DECISION

Applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 30 November 2010 is hereby **VACATED**.

The one-month extension fee of \$130.00 is not required as the Form PCT/DO/EO/916 mailed 26 April 2010 provided one month to respond. This fee has been refunded to counsel's credit card.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 07 March 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 07 May 2010.

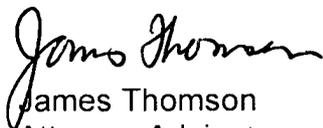
This application is being forwarded to the National Stage Processing Division of

12/664,135

Page

3

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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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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BRUCE L. ADAMS
ADAMS & WILKS
17 BATTERY PLACE
SUITE 1231
NEW YORK, NY 10004

MAILED

FEB 02 2011

PCT LEGAL ADMINISTRATION

In re Application of PARK et al :
U.S. Application No.: 12/452,098 :
PCT Application No.: PCT/JP2008/060819 :
Int. Filing Date: 13 June 2008 :
Priority Date Claimed: 21 June 2007 :
Attorney Docket No.: s004-6490(PCT) :
For: NEAR-FIELD OPTICAL HEAD, AND :
INFORMATION RECORDING AND :
REPRODUCING DEVICE :

DECISION

This is in response to applicant's correspondence filed 16 November 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 13 June 2008, applicant filed international application PCT/JP2008/060819, which claimed priority of an earlier Japan application filed 21 June 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 24 December 2008. The thirty-month period for paying the basic national fee in the United States expired on 21 December 2009.

On 15 December 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 February 2010, applicant filed an executed declaration.

On 17 February 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 05 November 2010, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 16 November 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the declaration filed 01 February 2010 is present. Therefore, the Notification of Missing Requirements was sent in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 17 February 2010 is hereby VACATED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 05 November 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 June 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 February 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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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

MAILED
JAN 31 2011
OFFICE OF PETITIONS

In re Application of :
Chen et al. :
Application No. 12/452,103 : **DECISION GRANTING**
Filed: March 15, 2010 : **PETITION**
Attorney Docket No. 2676-8402.1US :

This is a decision on the petition under 37 CFR 1.10(d), filed November 12, 2010, requesting that the above-identified application be accorded a filing date of March 15, 2010, rather than the presently accorded date of March 16, 2010.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with Express Mail Service on March 15, 2010 pursuant to 37 CFR 1.10. The "date-in" on the copy of the Express Mail label receipt no. EV962554432US is illegible. However, the Express Mail label also includes a USPS receipt date stamp of March 15, 2010. The same Express Mail label number also appears on the original application transmittal letter of record in the file.

The evidence presented is convincing that the Express Mail package was accepted by the USPS on March 15, 2010, as shown by the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of March 15, 2010, and has been so accorded.

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

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **March 15, 2010** and issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO			
Application No.:	12/452,106	First Named Inventor:	Herzog et al.
Filing Date:	12/14/2009	Attorney Docket No.:	2578-8401.2US
Title of the Invention:	INTRADERMAL INFLUENZA VACCINE		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.			
APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.			
The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.			
The corresponding PCT application number(s) is/are: <u>PCT/EP2008/057268</u>			
The international filing date of the corresponding PCT application(s) is/are: <u>6/11/2008</u>			
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)			
<input checked="" type="checkbox"/> is attached.			
<input type="checkbox"/> is <u>not</u> 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)			
<input checked="" type="checkbox"/> is attached.			
<input type="checkbox"/> is <u>not</u> attached because the document is already in the U.S. application.			
c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.			
d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.			
<input checked="" type="checkbox"/> is attached.			
<input checked="" type="checkbox"/> has already been filed in the above-identified U.S. application on <u>December 14, 2009</u>			
(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)			
<input checked="" type="checkbox"/> are attached.			
<input type="checkbox"/> have already been filed in the above-identified U.S. application on _____			



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

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of :
Ong et al. :
Application No. 12/452,114 :
Filed: April 26, 2010 :
Attorney Docket No. MJW-163-49 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 30, 2011.

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

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

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

This application is being forwarded to art unit 1654 for processing in the normal course of business.

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

Charlema Grant
Attorney Advisor
Office of Petitions



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

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NOV 14 2011

OFFICE OF PETITIONS

In re Application of
Gedalyahu Manor
Application No. 12/452,127
Filed: December 16, 2009
Attorney Docket No. 08213/HG

:
:
: 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 MPEP § 708.02, Section IV.

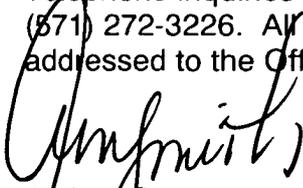
The petition is **GRANTED**.

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

The instant petition includes a statement from sole inventor Gedalyahu Manor that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 3744 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Office of Patent Application Processing at (571) 272-4000.


Andrea Smith
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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JAN 10 2011

MARSHALL & MELHORN, LLC
FOUR SEAGATE - EIGHTH FLOOR
TOLEDO OH 43604

PCT LEGAL ADMINISTRATION

In re Application of	:	
HURST, Simon James, et al.	:	
Application No.: 12/452,150	:	DECISION
PCT No.: PCT/GB2008/050538	:	
Int. Filing Date: 04 July 2008	:	ON PETITION UNDER
Priority Date: 06 July 2007	:	
Docket No.: 1-20198	:	37 CFR 1.47(a)
For: DEPOSITION PROCESS	:	

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 23 July 2010.

BACKGROUND

On 23 February 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.

On 23 July 2010, applicants filed a petition under 37 CFR 1.47(a) and the fee for a three 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 petition fee has been paid. Applicant states the last known address of Guillermo Benito Gutierrez as Avda Arecebtalles 26, 1C; Madrid 28022; Spain. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. Julie Woodward appears to have made all the contacts with Mr. Gutierrez, but applicants have not supplied a statement of facts from her. Further, it is unclear from the letters and petition whether Mr. Gutierrez was ever supplied with a complete copy of the application papers, including the declaration. Failure to sign a declaration absent presentation with a complete copy of the application papers is not ordinarily sufficient. MPEP 409.03(d).

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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JUL 20 2011

PCT LEGAL ADMINISTRATION

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of: YASUMA, Tsuneo, et al.	:	
U.S. Application No.: 12/452,174	:	DECISION ON PETITION UNDER
PCT No.: PCT/US2008/007535	:	37 CFR 1.137(b)
International Filing Date: 18 June 2008	:	
Priority Date: 19 June 2007	:	
Attorney's Docket No.: 2009-2020A	:	
For: INDAZOLE COMPOUNDS FOR	:	
ACTIVATING GLUCOKINASE	:	

The petition for revival under 37 CFR 1.137(b) filed on 01 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 22 April 2010 due to applicants' failure to submit a complete response to the "Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures" (Form PCT/DO/EO/922) issued on 22 February 2010 and the "Notification Of Defective Response" (Form PCT/DO/EO/916) issued 15 March 2011. The abandonment was confirmed in the "Notification Of Abandonment" (Form PCT/DO/EO/909) issued 01 June 2011.

The present petition for revival was accompanied by the petition fee and the "required reply" in the form of additional sequence listing materials, including a computer readable form of the sequence listing in acceptable form, satisfying the outstanding requirements of the "Notice To Comply." In addition, the petition includes a statement that "the entire delay in filing the required, fully responsive Reply from the due date for the required Reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

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



05 AUG 2010

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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21874
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, MA 02205

In re Application of :
CABOT, Andrew :
U.S. Application No.: 12/452,195 :
PCT No.: PCT/US2008/007558 :
Int. Filing Date: 16 June 2008 :
Priority Date: 18 June 2007 :
Attorney Docket No.: 68393(302467) :
For: DEVICE AND METHODS FOR :
TREATMENT AND PREVENTION OF :
TENDON INJURIES :

**DECISION ON
PETITION UNDER
37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 02 February 2010 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant 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
James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



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.
12/452,200	12/17/2009	Yasushi Hasegawa	52433/1042	4382

26646 7590 07/08/2011
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

UMBACH, CORWIN P

ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
07/08/2011	PAPER

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

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



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7/8/11

CST

In re application of	:	DECISION ON REQUEST TO
Yasushi Hasegawa et al	:	PARTICIPATE IN PATENT
Serial No. 12/452,200	:	PROSECUTION HIGHWAY
Filed: December 17, 2009	:	PROGRAM AND
For: FIRE-RESISTANT STEEL SUPERIOR	:	PETITION TO MAKE SPECIAL
IN WELD JOINT REHEAT	:	UNDER 37 CFR 1.102(a)
EMBRITTLMENT RESISTANCE	:	
AND TOUGHNESS	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed June 3, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
- (2) Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
 - b. An English translation of the allowable/ patentable claim(s), if applicable; and
 - c. A statement that the English translation is accurate, if applicable;
- (3) Applicant must:
 - a. Ensure all the 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. 12/452,200

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

MAILED

JAN 10 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
PAYAN, et al.	:	
Application No.: 12/452,237	:	DECISION ON PETITION
PCT No.: PCT/FR2008/051110	:	
Int. Filing Date: 19 June 2008	:	UNDER 37 CFR 1.181
Priority Date: 20 June 2007	:	
Attorney Docket No.: P73367US0	:	
For: SYSTEM FOR TRANSMITTING AN ELECTRIC	:	
PULSE AND DEVICE FOR CAPACITIVE	:	
DISCONNECTION FOR SUCH A SYSTEM	:	

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 04 March 2010 in the United States Patent and Trademark Office (USPTO). . No petition fee is required.

On 22 February 2010, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing application that the present application was abandoned as to the National stage in the United States for failure to provide payment of the full U.S. Basic National Fee prior to the expiration of thirty months from the priority date. Applicant was advised that 20 December 2009 being a Sunday, payment was required by 21 December 2009 and that applicant filed the application on 22 December 2009.

On 04 March 2010, applicant filed the present petition under 37 CFR 1.181 to withdraw the holding of abandonment. Applicant correctly notes in the present petition that the Federal government was closed due to inclement weather on 21 December 2009. As such, applicant's filing on 22 December 2009 is timely.

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision; including consideration of the declaration filed 22 October 2010.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



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Aleksandr Smushkovich
POB 140505
Brooklyn NY 11214

MAILED

FEB 08 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SMETANNIKOV, Andrei Filippovich, *et al.* :
Application No.: 12/452,260 :
PCT No.: PCT/RU2008/000478 :
Int. Filing Date: 21 July 2008 :
Priority Date: 18 October 2007 :
Attorney's Docket No.: 20040.0002USWO :
For: A METHOD FOR MONITORING :
ABNORMAL STATE OF INTERNET :
INFORMATION :

DECISION

This decision is in response to applicants' Response to the Notification of Missing Requirements, filed in the United States Patent and Trademark Office on 08 March 2010. Applicants' response is being treated as a petition to accept the originally filed translation.

BACKGROUND

On 22 December 2009, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee and a translation.

On 19 February 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the translation did not include a translation of the claims.

On 08 March 2010, applicants filed an explanation concerning the translation of the claims.

On 22 November 2010, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely respond to the Notification of Missing Requirements.

On 13 December 2010, applicants filed a petition to revive under 37 CFR 1.137(b).

DISCUSSION

Applicants timely responded to the Notification of Missing Requirements. The Notification of Abandonment issued in error.

The Notification of Missing Requirements stated that the Office had not received a translation of the claims. Applicants have explained that the heading "Formula of Invention" is a

literal translation of the Russian phrase for claim. As such, the originally filed translation was complete.

The petition to revive under 37 CFR 1.137(b) is not required and the petition fee will be refunded.

CONCLUSION

For the above reasons, applicant's petition to accept the 22 December 2009 translation of the claim is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 19 February 2010 and the Notification of Abandonment (Form PCT/DO/EO/909) mailed 22 November 2010 are **VACATED**.

This application is being returned 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



MAILED

AUG 12 2011

PCT LEGAL ADMINISTRATION

Husch Blackwell Sanders LLP Welsh & Katz
120 South Riverside Plaza
22nd Floor
Chicago, IL 60606

In re Application of: :
TSURIA et al. :
Application No.: 12/452,262 :
PCT Application No.: PCT/IB2008/050208 :
Filing Date: 21 January 2008 : **DECISION**
Priority Date: 03 July 2007 :
Attorney's Docket No.: 7251/105502 :
For: CONTENT DELIVERY SYSTEM :

This Decision is in response to the "Request for Corrected Publication" filed 11 June 2010.

BACKGROUND

On 21 January 2008, applicants filed international application PCT/IB2008/050208 which claimed a priority date of 03 July 2007. A copy of the published international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 08 January 2009. Subsequently, a corrected version of the published international application was communicated to the USPTO from the IB on 23 April 2009.¹ Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired on 03 January 2010.

On 22 December 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).

On 24 February 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 1.495" (Form

¹The International Bureau republished the above-identified international application with 10 additional pages to the specification. These 10 additional pages consist of an article entitled "How Iris Recognition Works" by John Daugman.

PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 26 January 2010 and a 35 U.S.C. 371 completion date of 26 January 2010.

The U.S. national stage application was subsequently published under 37 CFR 1.211 on the basis of the original WIPO publication.

On 11 June 2010, applicants filed the "Request for Corrected Publication" considered herein, requesting that the present application be republished to include the additional 10 pages of specification (i.e., pages 21-30), as reflected in the corrected WIPO publication.

DISCUSSION

Pages 21-30 of the corrected WIPO publication appear to be a copyrighted article authored by someone other than the applicant.² Absent authorization from the copyright holder, it would not be appropriate for the Office to include such material in the patent application publication. In this regard, it is noted that the Director has discretion under 35 U.S.C. 122(b) in determining what information concerning published patent applications shall be made available to the public, and a determination by the Director to release or not release such information shall be final and not reviewable. See 35 U.S.C. 122(b)(1)(B) and (C). See also 37 CFR 1.211(d):

(d) The Office may refuse to publish an application, or to include a portion of an application in the patent application publication (§ 1.215), if publication of the application or portion thereof would violate Federal or state law, or if the application or portion thereof contains offensive or disparaging material.

Furthermore, pages 21-30 are not suitable for publication, as these pages are not in compliance with 37 CFR 1.52 and 1.84. See 37 CFR 1.211(c):

*(c) ***The Office may delay publishing any application until it includes *** a specification having papers in compliance with § 1.52 *** drawings in compliance with § 1.84***.*

Specifically, pages 21-30 fail to comply with the applicable rules because: 1) the text is too small;³

² Daugman, J., "How iris recognition works," *Circuits and Systems for Video Technology, IEEE Transactions on*, vol.14, no.1, pp. 21- 30, Jan. 2004
URL: <http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=1262028&isnumber=28212>

³ 37 CFR 1.52(a)(1)(v) requires::

(v) Presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic capture by use

2) the text appears in dual columns rather than a single column,⁴ 3) the material includes drawings therein.⁵

CONCLUSION

The request for corrected publication is **REFUSED**.

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

of digital imaging and optical character recognition.

The font size on pages 21-30 is too small to permit electronic capture by optical character recognition, and does not comply with PCT Rule 11.9(d), which requires that text matter "*shall be in characters the capital letters of which are not less than 0.28 cm high.*"

⁴ 37 CFR 1.52(b)(2)(iii) requires the specification to have "only a single column of text." This is consistent with paragraph 145 of the PCT Receiving Office Guidelines, which state:

*145. Other Physical Requirements Concerning Text. For reasonably uniform international publication and, in particular, to allow image scanning and OCR, it is important that text matter in the description, claims and abstract should not be presented in more than one column. ****

⁵ See MPEP 608.01 (VI), which states:

Graphical illustrations, diagrammatic views, flowcharts, and diagrams in the descriptive portion of the specification do not come within the purview of 37 CFR 1.58(a), which permits tables, chemical and mathematical formulas in the specification in lieu of formal drawings. The examiner should object to such descriptive illustrations in the specification and request drawings in accordance with 37 CFR 1.81 when an application contains graphs, drawings, or flow charts in the specification.

See also PCT Rule 11.10(a), which states:

(a) The request, the description, the claims and the abstract shall not contain drawings.

Furthermore, 37 CFR 1.84(u) states:

(u) Numbering of views.

*(1) The different views must be numbered consecutive Arabic numerals****

Application No.: 12/452,262

4

A handwritten signature in black ink, appearing to read "Anthony Smith", with a stylized flourish extending from the end.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272- 3298



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ALEXANDRIA, VA 22313-1450
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COVINGTON & BURLING, LLP
ATTN: PATENT DOCKETING
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON DC 20004-2401

In re Application of	:	
FUNAKI et al	:	DECISION ON
Application No.: 12/452,281	:	
Int. Application: PCT/US2008/008120	:	
Int. Filing Date: 30 June 2008	:	REQUEST UNDER
Priority Date: 29 June 2007	:	
Attorney's Docket No.: 031701.0002-US03	:	
For: LOW RIGIDITY ... GROWTH MODULATION	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.497(d)," filed on 21 April 2010, to add joint inventor Jessamine Winer on the executed declaration.

BACKGROUND

On 23 December 2009, applicant filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee. However no executed declaration was filed at such time..

On 22 February 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 informed applicant, *inter alia*, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 21 April 2010, applicants filed a request under 37 CFR 1.497(d) which included, *inter alia*, an executed declaration and a request to add co-inventor Jessamine Winer, who was not originally listed in the PCT application, as a co-inventor in the above-identified patent application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

- (1) 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;
- (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 (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statement submitted by Jessamine Winer is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of \$130.00 has been submitted.

With respect to item (3), Makoto Funaki, the assignee, consents to the correction of inventorship to the above application and it has filed in the requisite papers establishing their right to take action under 37 CFR §3.73(b).

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.


Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459



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ROBERT M. HUNTER PLLC
P.O. BOX 2709
KAMUELA, HI 96743

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of :
Stanley I. Kim :
Application No. 12/452,314 :
Filed: December 26, 2009 :
Attorney Docket No. 09-1221-KIML :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2010.

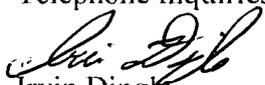
The request is **APPROVED**.

The request was signed by Robert Hunter on behalf of the practitioners of record associated with Customer Number 26357.

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

All future correspondence will be directed to inventor Stanley I. Kim at the address indicated below.

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


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Stanley I. Kim
2428 Prospect Dr.
Upland, CA 91784



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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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/452,314	12/26/2009	Stanley I. Kim	09-1221-KIML

CONFIRMATION NO. 4368

POWER OF ATTORNEY NOTICE

26357
ROBERT M. HUNTER PLLC
P.O. BOX 2709
KAMUELA, HI 96743



Date Mailed: 10/25/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/30/2010.

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

/idingle/

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



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/452,314	12/26/2009	Stanley I. Kim	09-1221-KIML

Stanley I. Kim
2428 Prospect Drive
Upland, CA 91784

CONFIRMATION NO. 4368
POA ACCEPTANCE LETTER



OC000000044163188

Date Mailed: 10/25/2010

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.

/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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/452,325	12/24/2009	Keisuke Kawai	143947	8633
25944	7590	08/26/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			ZANELLI, MICHAEL J	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3661	
			NOTIFICATION DATE	DELIVERY MODE
			08/26/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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AUG 25 2011

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

In re application of : **DECISION ON REQUEST TO**
Keisuke Kawai : **PARTICIPATE IN PATENT**
Application No. 12/452,325 : **PROSECUTION HIGHWAY**
Filed: December 24, 2009 : **PROGRAM AND PETITION**
For: VEHICLE CONTROL METHOD : **TO MAKE SPECIAL UNDER**
AND VEHICLE CONTROL DEVICE : **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 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 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 12, 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: 08/25/11

28 SEP 2010



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Alexandria, VA 22313-1450
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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

In re Application of	:
AICHER	:
Application No.: 12/452,343	:
PCT No.: PCT/EP08/05327	: DECISION ON
Int. Filing Date: 30 June 2008	:
Priority Date: 04 July 2007	: under 37 CFR 1.497(d)
Atty Docket No.: 4200.P0173US	:
For: FORMWORK TIE ROD	:

This is a decision on applicant's "Request Under 37 CFR 1.497(d) to Correct Inventorship" filed 22 July 2010 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

On 23 December 2009, applicant filed a request for entry into the U.S. national stage for the above referenced PCT application.

On 19 January 2010, a Notification of Missing Requirements was mailed indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required, along with the surcharge for filing the oath or declaration after the thirty month period.

On 22 July 2010, applicant filed a petition under 37 CFR 1.497(d) to add MAX AICHER as an inventor and to delete HANS WLODOWSKI as an inventor.

DISCUSSION

Hans Wlodowski was named as an inventor in the published international application PCT/EP08/05327. The declaration submitted with the petition identified Max Aicher as an inventor.

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 or being deleted 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 satisfied Item (1) with the statements of Max Aicher and Hans Wlodowski that any error in inventorship occurred without deceptive intent. Item (2) above is satisfied with the payment of the petition fee. With regard to Item (3), it appears from the USPTO records that an assignment of the application has occurred; however, the Written Consent of the assignee consenting to the addition of Max Aicher and deletion of Hans Wlodowski as an inventor in this application to correct the inventorship under 37 CFR 1.497(d)(3) was not provided. Item (3) above is not yet satisfied.

Accordingly, applicant has not met all of the requirements to add Max Aicher and delete Hans Wlodowski as an inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby dismissed.

CONCLUSION

The petition under 37 CFR 1.1497(d) to Correct Inventorship in the above-captioned application is **DISMISSED WITHOUT PREJUDICE**. The written consent of the assignee to add Max Aicher and to delete Hans Wlodowski as inventors in the above-identified international application is required.

Any reconsideration on the merits of the renewed petition under 37 CFR §1.497(d) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.497(d)." No petition fee is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

being added or being deleted 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 Items (1) and (2) above. With the renewed petition, Item (3) is now satisfied with the Written Consent of the assignee consenting to the addition of Max Aicher and deletion of Hans Wlodowski as an inventor in this application to correct the inventorship under 37 CFR 1.497(d)(3).

Accordingly, applicant has now met all of the requirements to add Max Aicher and delete Hans Wlodowski as an inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

CONCLUSION

The petition under 37 CFR 1.1497(d) to Correct Inventorship in the above-captioned application is **GRANTED**.

/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

AUG 08 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
ZARATE	:	
U.S. Application No.: 12/452,357	:	DECISION ON PETITION
PCT No.: PCT/US2008/007866	:	
Int. Filing Date: 25 June 2008	:	UNDER 37 CFR 1.137(b)
Priority Date: 29 June 2007	:	
Attorney Docket No.: 14733.0004	:	
For: VENOUS DEVICE	:	

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 14 June 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 April 2010, applicant was mailed a decision granting applicant's petition to revive pursuant to 37 CFR 1.137(b).

On 14 January 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 given two months to respond.

On 17 February 2011, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) instructing applicant that the application was abandoned for failure to respond to the Form PCT/DO/EO/905 mailed 14 January 2011.

On 14 June 2011, applicant filed the petition discussed herein accompanied by an executed declaration of the inventor and payment of a three-month extension of time fee.

DISCUSSION

As detailed in applicant's petition it is clear that the period for responding to the Form PCT/DO/EO/905 had not expired when the notification of abandonment was mailed. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 17 February 2011 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision including consideration of the declaration contemporaneously filed with the petition.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/15/11
TO SPE OF : ART UNIT 3636
SUBJECT : Request for Certificate of Correction for Appl. No.: 12452377 Patent No.: 8061377

CofC mailroom date: 12/08/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

You can fax the Directors/SPE response to: 571-273-3421

Note: **Please check Claims 13, 14, 15**

Should the changes to the claims be approved?

Lamonte Newsome

**Certificates of Correction Branch
571-272-3421**

Thank You For Your Assistance

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

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: _____



DAVID DUNN
SUPERVISORY PATENT EXAMINER

3636

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/452,432	05/04/2010	Hokyung Lee	29137.556.00	1533
30827	7590	10/21/2010	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			10/21/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of:
LEE, HOKYUNG et al
Application No.: 12/452,432
Filed: Dec. 30, 2009
Docket: 29137.556.00

Title: CUTTING FRAME OF HIGH
CUTTING EFFICENCY

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 20, 2010 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

The request and petition are granted.

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

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

CONCLUSION

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.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Boyer Ashley, Art Unit 3724, at 571-272-4502 and accessible in the PAIR system at <http://uspto.gov/ebc/index.html>.

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

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED
DEC 17 2010
PCT LEGAL ADMINISTRATION

In re Application of SUZUKI et al :
U.S. Application No.: 12/452,438 :
PCT Application No.: PCT/JP2008/061740 :
Int. Filing Date: 27 June 2008 :
Priority Date Claimed: 04 July 2007 :
Attorney Docket No.: 055053-0208 : DECISION
For: TRANSITION METAL COMPLEX :
COMPOUND, OLEFIN POLYMERIZATION :
CATALYST CONTAINING THE COMPOUND, :
AND METHOD FOR PRODUCING OLEFIN :
POLYMER PERFORMED IN THE PRESENCE OF :
THE CATALYST :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 02 September 2010.

BACKGROUND

On 27 June 2008, applicant filed international application PCT/JP2008/061740, which claimed priority of an earlier Japan application filed 04 July 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 08 January 2009. The thirty-month period for paying the basic national fee in the United States expired on 04 January 2010.

On 30 December 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 25 February 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 26 April 2010, applicant filed a petition under 37 CFR 1.47(a).

On 05 May 2010, this Office mailed a decision dismissing the 26 April 2010 petition.

On 02 September 2010, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

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 joint inventor Yasuhiko Suzuki is unavailable. The petition sufficiently illustrates that a diligent effort was made to find Suzuki. In particular, attempts were made to contact Suzuki by postal mail, by electronic mail, by telephone (see affidavit of Yoshihisa Inoue). Thus, it can be concluded with reasonable certainty that Suzuki cannot be located.

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 27 June 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 30 December 2009.

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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Yasuhiko Suzuki
#906, 1-2, Nagaura-ekimae 1-chome
Sodegaura-shi
Chiba 2990246
JAPAN

MAILED

DEC 17 2010

PCT LEGAL ADMINISTRATION

In re Application of SUZUKI et al
U.S. Application No.: 12/452,438
PCT Application No.: PCT/JP2008/061740
Int. Filing Date: 27 June 2008
Priority Date Claimed: 04 July 2007
For: TRANSITION METAL COMPLEX COMPOUND

Dear Yasuhiko Suzuki:

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

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007
Attorney Docket No.: 055053-0208



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/452,533	02/24/2010	Yoshitaka Nakazawa	144064	9715
25944	7590	02/21/2012	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			COUGHLIN, MATTHEW P	
			ART UNIT	PAPER NUMBER
			1626	
			NOTIFICATION DATE	DELIVERY MODE
			02/21/2012	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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FEB 21 2012

OLIFF & BERRIDGE, PLC :
P.O. BOX 320850 :
SUITE 4900 :
ALEXANDRIA, VA 22320-4850 :
NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR 1.313(b)

In re Application of:
Yoshitaka NAKAZAWA, et al
Serial No. 12/452533
Filed: February 24, 2010
For: NOVEL HISTIDINE DERIVATIVES

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

Wanda L. Walker

Wanda L. Walker, Director
Technology Center 1600



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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

MAILED
SEP 22 2011
OFFICE OF PETITIONS

Applicant: Stewart, et al.
Appl. No.: 12/452,559
International Filing Date: July 3, 2008
Title: GEOTHERMAL ENERGY SYSTEM AND METHOD OF OPERATION
Attorney Docket No.: 4572.1001-000
pub. No.: US 2010/0288465 A1
Pub. Date: November 18, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 14, 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 application wherein three of the inventors' names have been 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 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 three of the inventor's name was omitted may be Office error, but it is not a material Office error under 37 CFR 1.221. The omission of an inventor's name and residence does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application 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).

A Filing Receipt was mailed by the Office on August 11, 2010, which listed only the first inventor's name. To avoid this type of problem in the future applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):

Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

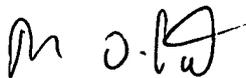
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

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



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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/452,563	04/19/2010	Marc Van Droogenbroeck	P73358US0	5702
136	7590	04/07/2011	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			AHMED, SAMIR ANWAR	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			04/07/2011	ELECTRONIC

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

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

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

patent@jhip.com
jholman@jhip.com



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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of :
VAN DROOGENBROECK, MARC, et al. : DECISION ON REQUEST TO
Application No. 12/452,563 : PARTICIPATE IN PATENT
Filed: April 19, 2010 : PROSECUTION HIGHWAY
Attorney Docket No. P73358US0 : 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) pilot program and the petition under 37 CFR 1.102(a), filed March 31, 2011.

The request and petition are **GRANTED**.

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

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

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

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

(iii) contains no priority claim,

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

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

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

Telephone inquiries concerning this decision should be directed to Wellington Chin at 571-272-3134.

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

/ Wellington Chin/

Wellington Chin
Quality Assurance Specialist
Technology Center 2600
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/452,613	01/12/2010	Jang-Yeon Hwang	29137.558.00	7617
30827	7590	01/24/2011	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			FERGUSON, LAWRENCE D	
1900 K STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006			1783	
			MAIL DATE	DELIVERY MODE
			01/24/2011	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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BC

January 24, 2011

In re application of	:	DECISION ON REQUEST TO
Jang-Yeon Hwang et al.	:	PARTICIPATE IN PATENT
Serial No. 12/452,613	:	PROSECUTION HIGHWAY
Filed: January 12, 2010	:	PROGRAM AND
For: MULTIPLE-LAYER, MULTIPLE FILM	:	PETITION TO MAKE SPECIAL
HAVING THE SAME AND ELECTRONIC	:	UNDER 37 CFR 1.102(a)
DEVICE HAVING THE SAME	:	

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 December 14, 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 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. 12/452,613

- 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.
12/452,616	04/22/2010	Hokyung Lee	29137.557.00	8483
30827	7590	10/21/2010	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			10/21/2010	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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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of:
LEE, HOKYUNG et al
Application No.: 12/452,616
Filed: Jan. 12, 2010
Docket: 29137.557.00

Title: PROCESS FOR PREPARING
 RECTANGULAR PIECES AT HIGH
 CUTTING EFFICIENCY

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed October 20, 2010 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

The request and petition are granted.

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

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

(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

CONCLUSION

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.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Boyer Ashley, Art Unit 3724, at 571-272-4502 and accessible in the PAIR system at <http://uspto.gov/ebc/index.html>.

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

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

DEC 29 2011

OFFICE OF PETITIONS

In re Application of :
Hirotaaka Miyamoto, et al. :
Application No. 12/452,672 : DECISION GRANTING PETITION
Filed: February 8, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. S1459.70589US00 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 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 December 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

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

This application is being referred to Technology Center AU 2627 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.*

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:	12/452,680	Filing date:	January 15, 2010
First Named Inventor:	Shigeto Kobori		

Title of the Invention: ANTIREFLECTION FILM

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

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

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

The corresponding PCT application number(s) is/are:
PCT/JP2008/064815

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

I. List of Required Documents:

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

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

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

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

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

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.
12/452,680	01/15/2010	Shigeto Kobori	144112	4012

25944 7590 12/03/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

LAVARIAS, ARNEL C

ART UNIT PAPER NUMBER

2872

NOTIFICATION DATE DELIVERY MODE

12/03/2010

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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

In re Application of
KOBORI et al.
Application No.: 12/452,680
Filed: 15 January 2010
Attorney Docket No.: 144112
For: ANTIREFLECTION FILM

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 25 October 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

if the latest international work product is not in the English language;

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

Conditions (1-2) and (4-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

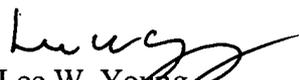
Regarding the requirement of condition (3), applicant has failed submit a statement that the English translation of the claims is accurate.

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

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

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

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



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

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Shigeto KOBORI et al.

Application No.: 12/452,680

Filed: January 15, 2010

Docket No.: 144112

For: ANTIREFLECTION FILM

AFFIRMATION OF ACCURACY OF TRANSLATION OF PCT ARTICLE 34
AMENDMENTS

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

Sir:

In reply to the December 3, 2010 Decision on Request to Participate in the PCT Patent Prosecution Highway Pilot Program and Petition to Make Special Under 37 C.F.R. §1.102(a), attached hereto is an English translation of the Amendments to PCT/JP2008/064815 under PCT Article 34.

On information and belief, the English-language translation of the attached Amendments is an accurate translation of the foreign-language claims.

The attached English translation of the Amendments to PCT/JP2008/064815 under PCT Article 34 is identical to the English translation of the Amendments to PCT/JP2008/064815 under PCT Article 34 that was previously filed on October 25, 2010.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Sarah Lhymn
Registration No. 65,041

JAO:SQL/hs

Attachment:

English translation of the Amendments to PCT/JP2008/064815 under PCT Article 34

Date: December 23, 2010

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/452,680	01/15/2010	Shigeto Kobori	144112	4012
25944	7590	05/11/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			LAVARIAS, ARNEL C	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			2872	
			NOTIFICATION DATE	DELIVERY MODE
			05/11/2011	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):

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jarmstrong@oliff.com



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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of
KOBORI et al.
Application No.: 12/452,680
Filed: 15 January 2010
Attorney Docket No.: 144112
For: ANTIREFLECTION FILM

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 25 October 2010 and renewed on 23 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

if the latest international work product is not in the English language;

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

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

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

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

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



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



UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

In re Application of:	:	
PONITZ, Burkhard	:	DECISION ON PETITION UNDER
U.S. Application No.: 12/452,714	:	37 CFR 1.47(b)
PCT No.: PCT/EP2008/005501	:	
International Filing Date: 05 July 2008	:	
Priority Date: 18 July 2007	:	
Attorney Docket No.: 4200.P0174US	:	
For: METHOD FOR MEMBRANE	:	
ELECTROLYSIS AND THE USE OF	:	
THE PRODUCTS OBTAINED BY IT	:	

This decision is issued in response to the "Petition Under 37 CFR 1.47(B) For Making Application By The Corporate Assignee" filed 25 August 2010. Petitioner has filed the required petition fee.

BACKGROUND

On 05 July 2008, applicant filed international application PCT/EP2008/005501. The application claimed a priority date of 18 July 2007, and it designated the United States. On 22 January 2009, 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., 18 January 2010.

On 15 January 2010, a Transmittal Letter for entry into the national stage in the United States was filed accompanied by, among other materials, payment of the small entity basic national fee and an English translation of the international application.

On 23 February 2010, 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 payment of the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 25 August 2010, petitioner filed a response to the Notification Of Missing Requirements (with required extension fee). TqaZhe response included payment of the required surcharge and the petition under 37 CFR 1.47(b) considered herein. The petition requests acceptance of the declaration without the signature of the sole inventor, Burkhard PONITZ, whom petitioner asserts cannot be located after diligent effort.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (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 non-signing 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 of 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 damages.

Regarding item (1), petitioner has submitted the required \$200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), 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 present petition was accompanied by a statement from Hansjorg Rolishausen indicating that the inventor had moved from his last known address and that attempts to find a current address for the inventor were unsuccessful. However, petitioner has not provided a firsthand statement, with documentary support, describing the specific actions taken to locate the non-signing inventor, as required before it can be concluded that a diligent effort has been made. A firsthand showing of specific efforts made to obtain current contact information for the non-signing inventor and contact him, 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. Until such materials are provided, item (2) of a grantable petition is not satisfied.

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is satisfied.

Regarding item (4), the petition includes a declaration executed on behalf of the non-signing inventor by a representative of the 37 CFR 1.47(b) applicant, Monopharm GmbH (Monopharm). Item (4) is therefore satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

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.

Petitioner here asserts that it has the required proprietary interest based on an assignment from the non-signing inventor to the 37 CFR 1.47(b) applicant. The MPEP states the following regarding such assertions:

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324).

The present petition is accompanied by a copy of an assignment (with English translation) by which the inventor specifically assigns the rights to international application PCT/EP2008/005501 to Monopharm. However, a statement under 37 CFR 3.73(b) from the assignee has not been submitted, as also required. Until the required statement under 37 CFR 3.73(b) is submitted, item (5) of a grantable petition is not considered satisfied.

Regarding item (6), the petition includes the required statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.47(b) 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(b)" and must include the supplemental materials required to satisfy items (2) and (5) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely 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



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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

PCT LEGAL ADMINISTRATION

In re Application of: PONITZ, Burkhard	:	
U.S. Application No.: 12/452,714	:	DECISION
PCT No.: PCT/EP2008/005501	:	(37 CFR 1.47(b))
International Filing Date: 05 July 2008	:	
Priority Date: 18 July 2007	:	
Attorney Docket No.: 4200.P0174US	:	
For: METHOD FOR MEMBRANE	:	
ELECTROLYSIS AND THE USE OF	:	
THE PRODUCTS OBTAINED BY IT	:	

This decision is issued in response to the "Response To Decision On Petition" filed 07 December 2010. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 12 October 2010. The decision dismissed without prejudice the petition under 37 CFR 1.47(b), finding that petitioner had failed to satisfy all the requirements of a grantable petition.

On 30 November 2010 the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c) were satisfied as of 25 August 2010. Also on 30 November 2010, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 25 August 2010.¹

On 07 December 2010, applicant filed the "Response To Decision On Petition" considered herein.

DISCUSSION

1. Petition Under 37 CFR 1.47(b)

The materials filed by applicant on 07 December 2010 in response to the 12 October 2010 decision include a declaration executed by the previously non-signing sole inventor Burkhard PONITZ, who was the subject of the petition under 37 CFR 1.47(b). This declaration is acceptable in compliance with 37 CFR 1.497.

¹ A corrected filing receipt was issued on 03 January 2011 in which the residence of the inventor was corrected. The 35 U.S.C. 371(c) date in the corrected filing receipt remained 25 August 2010.

Based on the submission of an acceptable declaration executed by the previously non-signing sole inventor, applicant's petition under 37 CFR 1.47(b) is appropriately dismissed as moot.

2. Notification Of Acceptance

The "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed on 30 November 2010 indicated that the requirements of 35 U.S.C. 371(c), including the submission of an acceptable oath or declaration as required under 35 U.S.C. 371(c)(4), were satisfied as of 25 August 2010. However, the declaration filed on 25 August 2010 was executed by the assignee and is not acceptable in satisfaction of the declaration requirement of 35 U.S.C. 371(c)(4) absent a grantable petition under 37 CFR 1.47(b), which was not submitted in the present case.

In view of the above, the Notification Of Acceptance mailed 30 November 2010, based as it was on applicant's purported submission of an acceptable declaration on 25 August 2010, is appropriately vacated, as is the filing receipt issued herein (which also incorrectly identified the 35 U.S.C. 371(c) date as 25 August 2010).

A corrected Notification Of Acceptance and filing receipt will be issued which correctly identify the 35 U.S.C. 371(c) date as 07 December 2010, the date on which applicant filed the acceptable declaration executed by the sole inventor, Burkhard PONITZ.

CONCLUSION

Based on the submission of an acceptable declaration executed by the sole inventor, the petition under 37 CFR 1.47(b) filed herein is **DISMISSED AS MOOT**.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 30 November 2010 and the subsequently mailed corrected filing receipt, both of which incorrectly identify the 35 U.S.C. 371(c) date as 25 August 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 the mailing of a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt identifying the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as **07 December 2010**.

/RichardMRoss/

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



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OFFICE OF PETITIONS

ABELMAN FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

In re Application of	:	
Hyung No Yoon et al	:	
Application No. 12/452,724	:	DECISION GRANTING
Filed: January 15, 2010	:	PETITION
Attorney Docket No. 210,706	:	

This is a decision on the petition, filed May 11, 2010, requesting that the above-identified application be accorded a filing date of January 15, 2010, rather than the presently accorded date of January 18, 2010. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on January 15, 2010. In support of this allegation, petitioner has submitted a copy of Express Mail label receipt number EB 908957622 US, which bears a U.S. Postal Service (USPS) date stamp of January 15, 2010. Further, in an independent search of the USPS Express Mail Track and Confirm record for the Express Mail package in question, it was found that the package was entrusted to the USPS on January 15, 2010 at the New York, NY, USPO at 6:52pm. Applicants are alleging that the correct date of mailing pursuant to 37 CFR 1.10 is January 15, 2010. The above-noted Express Mail number appears on the originally filed application papers of this file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label; MPEP 513. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on January 15, 2010.

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

This matter is being referred to the Office of Patent Application Processing for correction of the filing date to January 15, 2010 and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed Irvin Dingle at (571) 272-3210. Telephone inquiries related to the Office of Patent Application Processing should be directed to their hotline at (571) 272-4000.



David Bucci
Petitions Examiner
Office of Petitions



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

In re Application of: TANAKA, Ryo :
U.S. Application No.: 12/452,736 :
PCT No.: PCT/JP2008/063244 : DECISION
International Filing Date: 24 July 2008 : (37 CFR 1.181)
Priority Date: 24 July 2007 :
Attorney Docket No.: 144105 :
For: DISTRIBUTION APPARATUS, :
COMMUNICATION SYSTEM AND :
COMMUNICATION METHOD :

This decision is issued in response to the "Request For Correction Of Notification Of Acceptance" filed 22 June 2010, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date for the present application. No petition fee is required.

BACKGROUND

On 24 July 2008, applicant filed international application PCT/JP2008/063244. The international application claimed a priority date of 24 July 2007, and it designated the United States. On 29 January 2009, 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 thirty months from the priority date, i.e., 24 January 2010.

On 20 January 2010, applicant filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee, an executed declaration, and an English translation of the international application. The Transmittal Letter included an express request to begin national stage examination procedures.

On 05 February 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 executed 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 19 February applicant filed a response to the Notification Of Missing Requirements stating that an executed declaration had been filed on 20 January 2010. A copy of the previously-filed declaration was included with this submission.

On 05 March 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35

U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements” and the “Date Of Completion Of All U.S.C. 371 Requirements” as 19 February 2010. Also on 05 March 2010, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 19 February 2010.

On 22 June 2010, applicants filed the “Request For Correction Of Notice Of Acceptance” considered herein as a petition under 37 CFR 1.181. The petition asserts that the declaration completing the requirements of 35 U.S.C. 371(c) was filed on 20 January 2010, and it requests that the Notification Of Acceptance be corrected accordingly.

DISCUSSION

A review of the application file confirms that the declaration completing the requirements of 35 U.S.C. 371(c)(4) was filed on 20 January 2010 (along with the payment of the basic national fee, the English translation of the international application, and the express request to begin national stage examination procedures). The correct “Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements” and “Date Of Completion Of All U.S.C. 371 Requirements” for the present application is therefore 20 January 2010, as asserted by applicants in the present petition.

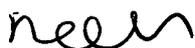
Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 05 March 2010, which incorrectly identified the 35 U.S.C. 371(c) dates (and the receipt date of the declaration) as 19 February 2010, is appropriately vacated. In addition, the filing receipts mailed herein, all of which incorrectly identified the 35 U.S.C. 371(c) date as 19 February 2010, are also appropriately vacated. A corrected Notification Of Acceptance and filing receipt will be issued in due course.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 05 March 2010, and the filing receipts subsequently mailed herein, are hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision, including the issuance of (1) a corrected Notification Of Acceptance (Form PCT/DO/EO/903) identifying the “Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements,” the “Date Of Completion Of All U.S.C. 371 Requirements,” and the filing date of the declaration as **20 January 2010**; and (2) a corrected filing receipt identifying the 35 U.S.C. 371(c) date as **20 January 2010**.



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



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MODIANO & ASSOCIATI
VIA MERA VIGLI, 16
MILAN 20123 IT ITALY

Applicant: Mamei, et al.

Appl. No.: 12/452,790

International Filing Date: July 29, 2008

Title: HYDRAULIC DEVICE FOR ACTUATING THE BRAKING OF WORK VEHICLES
AND THE LIKE

Attorney Docket No.: 31838/DOB/mfc

Pub. No.: US 2010/0127560 A1

Pub. Date: May 27, 2010

MAILED

JAN 31 2011

OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 9, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein part of the residence "MODENA" 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 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 part of the residence "MODENA" was omitted from the second inventor's residence, may be Office error, but is not a material Office error under 37 CFR 1.221. The error of the inventor's residence does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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).

On February 12, 2010, a Filing Receipt was mailed by the Office, which did not list "MODENA" as part of the residence. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to submit the eADS as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) 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.

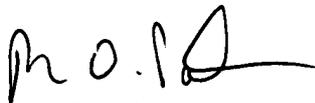
A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<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

15 SEP 2010



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Jones Day
222 East 41st St
New York, NY 10017

In re Application of: :
SHELLCOT et al. :
Application No.: 12/452,830 :
PCT No.: PCT/AU2008/001076 :
Int. Filing Date: 24 July 2008 : DECISION ON PETITION
Priority Date: 26 July 2007 :
Attorney Docket No.: 012077-0004-999 :
For: IMPROVED APPARATUS AND METHOD :
FOR EXTRACTION OR ADDITION OF :
SUBSTANCES FROM :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a) and 1.497 For Acceptance of Declaration/Power of Attorney Executed By One of the Two Named Co-Inventors" filed 19 July 2010 to accept the application without the signature of joint-inventor, Patrick William ALKEMADE.

BACKGROUND

On 24 July 2008, applicants filed international application PCT/AU2008/001076 which claimed a priority date of 26 July 2007. 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, 26 January 2010.

On 25 January 2010, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application and a preliminary amendment.

On 17 February 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 19 July 2010, applicants filed the present petition under 37 CFR 1.47(a) and three-month extension of time.

DISCUSSION

Applicants claim that co-inventor Patrick William ALKEMADE 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 14 April 2010 via UPS International. The documents provided to Patrick William ALKEMADE included instructions that the sign and return the declaration. Further, the subject petition noted that the documents were delivered on 19 April 2010. 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 one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Patrick William ALKEMADE). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Patrick William ALKEMADE under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

15 SEP 2010



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Patrick William ALKEMADE
90 Hoyt Street
Lindenow, Victoria 3865
Australia

In re Application of:
SHELLCOT et al.
Application No.: 12/452,830
PCT No.: PCT/AU2008/001076
Int. Filing Date: 24 July 2008
Priority Date: 26 July 2007
Attorney Docket No.: 012077-0004-999
For: IMPROVED APPARATUS AND METHOD
FOR EXTRACTION OR ADDITION OF
SUBSTANCES FROM

Dear Patrick William ALKEMADE:

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 that reads "Anthony Smith".

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

Counsel of Record:

Jones Day
222 East 41st St
New York, NY 10017



01 OCT 2010

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Leland Gardner
Jones Day
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New York, NY 10017

In re Application of	:	
Shellcot et al.	:	
Application No.: 12/452,831	:	DECISION ON
PCT No.: PCT/AU2008/001077	:	
Int. Filing Date: 24 July 2008	:	PETITION
Priority Date: 02 August 2007	:	
Attorney's Docket No.: 012077-0003-999	:	UNDER 37 CFR 1.47(a)
For: APPARATUS AND METHOD FOR VENTING	:	
GASES AND REMOVING SEDIMENT FROM A	:	
LIQUID	:	

This is a decision in response to the "PETITION UNDER 37 CFR §§ 1.47 AND 1.497 FOR ACCEPTANCE OF DECLARATION/POWER OF ATTORNEY EXECUTED BY ONE OF THE TWO NAMED CO-INVENTORS" filed on 19 July 2010. The \$200 petition fee has been paid.

BACKGROUND

On 24 July 2008, applicants filed international application PCT/AU2008/001077 that claimed priority of an earlier United States provisional application filed 02 August 2007. The thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 02 February 2010.

On 25 January 2010, 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, a preliminary amendment and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/452,831.

On 17 February 2010, the United States Patent and Trademark mailed the "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) indicating that applicant was required to file an oath/declaration and the surcharge. The notification set a two-month time period in which to respond.

On 19 July 2010, applicant filed the current petition along with a declaration signed by inventor Brett Shellcot, an affidavit signed by Leland Gardner, and receipts from UPS.

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, 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. The petition is missing item (3) above.

With respect to item (1), applicant included the required petition fee.

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 14 April 2010 via UPS International. The documents provided to Patrick William ALKEMADE included instructions that the sign and return the declaration. Further, the subject petition noted that the documents were delivered on 19 April 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application with documentary evidence supporting the statement. Mr. Alkemade's failure to return an executed declaration in response to the letter delivered to him constitutes a constructive refusal to cooperate. Therefore, it can be concluded with reasonable certainty that Mr. Alkemade refuses to join in the application.

With respect to item (3), inventor Alkemade last known address has been provided by applicants.

With respect to 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 one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Patrick William ALKEMADE). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Patrick William ALKEMADE under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

The application has an International Filing Date under 35 U.S.C. 363 of 24 July 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 19 July 2010.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280



Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



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Patrick William Alkemade
90 Hoyt Street
Lindenow, Victoria 3865
Australia

In re Application of: Shellcot et al.

Application No.: 12/452,831

PCT No.: PCT/AU2008/001077

Int. Filing Date: 24 July 2008

Attorney's Docket No.: 012077-0003-999

For: APPARATUS AND METHOD FOR VENTING GASES AND REMOVING SEDIMENT
FROM A LIQUID

Dear Mr. Alkemade:

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.

Debra S. Brittingham
PCT Legal Examiner
Telephone: (571) 272-3280

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Counsel of Record: Leland Gardner
Jones Day
222 East 41st St
New York, NY 10017



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Leland Gardner
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In re Application of	:	
Shellcot et al.	:	
Application No.: 12/452,831	:	DECISION ON
PCT No.: PCT/AU2008/001077	:	
Int. Filing Date: 24 July 2008	:	PETITION
Priority Date: 02 August 2007	:	
Attorney's Docket No.: 012077-0003-999	:	UNDER 37 CFR 1.47(a)
For: APPARATUS AND METHOD FOR VENTING	:	
GASES AND REMOVING SEDIMENT FROM A	:	
LIQUID	:	

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On 25 January 2010, 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, a preliminary amendment and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/452,831.

On 17 February 2010, the United States Patent and Trademark mailed the "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) indicating that applicant was required to file an oath/declaration and the surcharge. The notification set a two-month time period in which to respond.

On 19 July 2010, applicant filed the current petition along with a declaration signed by inventor Brett Shellcot, an affidavit signed by Leland Gardner, and receipts from UPS.

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, 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. The petition is missing item (3) above.

With respect to item (1), applicant included the required petition fee.

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."

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With respect to item (3), inventor Alkemade last known address has been provided by applicants.

With respect to 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 one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Patrick William ALKEMADE). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Patrick William ALKEMADE under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(c) will be published in the Official Gazette.

The application has an International Filing Date under 35 U.S.C. 363 of 24 July 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 19 July 2010.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280



Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



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01 OCT 2010

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Patrick William Alkemade
90 Hoyt Street
Lindenow, Victoria 3865
Australia

In re Application of: Shellcot et al.

Application No.: 12/452,831

PCT No.: PCT/AU2008/001077

Int. Filing Date: 24 July 2008

Attorney's Docket No.: 012077-0003-999

For: APPARATUS AND METHOD FOR VENTING GASES AND REMOVING SEDIMENT
FROM A LIQUID

Dear Mr. Alkemade:

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.

Debra S. Brittingham
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Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Counsel of Record: Leland Gardner
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/452,887	03/29/2010	Philippe Desbordes	P/3610-122	9513
2352	7590	11/01/2011	EXAMINER	
OSTROLENK FABER LLP			RAHMANI, NILOOFAR	
1180 AVENUE OF THE AMERICAS			ART UNIT	PAPER NUMBER
NEW YORK, NY 10036-8403			1625	
			MAIL DATE	DELIVERY MODE
			11/01/2011	PAPER

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

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



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Alexandria, VA 22313-1450
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NOV 01 2011

OSTROLENK FABER LLP
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Application of: :
Desbordes et al. : PETITION DECISION
Serial No.: 12/452,887 :
Filed: March 29, 2010 :
Attorney Docket No.: P/3610-122 :

This is in response to the petition under 37 CFR § 1.59(b), filed June 4, 2010, to expunge information from the above identified application. The delay in acting on this petition is regretted.

Petitioner requests that the Information Disclosure Statement submitted on June 3, 2010 under EFS No 7742715 for the above-noted application be expunged. It is noted that page 2 of the Information Disclosure Statement was submitted in error and relates to a different application. 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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MICHAEL L. DUNN
SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE, NY 14221

MAILED

MAR 16 2012

OFFICE OF PETITIONS

In re Application of Futterer et al. :
Application No. 12/452,888 : Decision on Petition
378(c) Date: April 16, 2010 :
Attorney Docket No. WSP283US :

This is a decision on the petition under 37 CFR 1.181 filed February 10, 2012, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a final Office action July 21, 2011, which set a shortened-statutory period for reply of three months. A reply to the Office action could have been filed with an extension of time as late as January 23, 2012. Neither a reply to the Office action nor a request for an extension of time was filed prior to January 23, 2012.

The instant petition was filed February 10, 2012.

The Office mailed a Notice of Abandonment on February 13, 2012.

The petition asserts, and establishes, the Office action was not received at the address of record. Therefore, the petition is granted and the holding of abandonment is withdrawn.

Technology Center Art Unit 1747 will be informed of the instant decision and the Technology Center will re-mail the final Office action. The time period to reply to the new Office action will be set to run from the mailing date of the new Office action.

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



23 AUG 2010

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

Julie K. Morriss
MORRISS O'BRYANT COMPAGIN, PC
734 East 200 South
Salt Lake City, UT 84102

In re Application of :
GELDENHUYS, Siegfried :
U.S. Application No.: 12/452,915 :
PCT No.: PCT/IB2008/052971 :
Int. Filing Date: 24 July 2008 :
Priority Date: 30 July 2007 :
Docket No.: 4749.ADAM.PC.US :
For: STATIC SEAL :

DECISION

This decision is in response to the petition under 37 CFR 1.47(b) submitted on 20 May 2010.

BACKGROUND

On 16 February 2010, the 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) and additional fees were required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 20 May 2010, the 37 CFR 1.47(b) applicant filed the subject petition which was accompanied by, *inter alia*, a \$130.00 extension fee; the search and examination fee; a \$200.00 petition fee; a statement under 37 CFR 3.73(b); a declaration executed by the 37 CFR 1.47(b) applicant; a copy of an assignment; and exhibits A - E.

DISCUSSION

The 37 CFR 1.47(b) applicant claims that the sole inventor, Siegfried GELDENHUYS, could not be reached 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 cooperate 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.

The \$200.00 petition fee has been paid.

The last known address of Siegfried GELDENHUYS was provided in the petition.

The 37 CFR 1.47(b) applicant submitted a declaration signed by Julie K. Morriss as "attorney of record under 37 CFR 1.47(b)." Ms. Morriss states in the petition that she is authorized to act on behalf of the Petitioner/Assignee. This is acceptable. See 37 CFR 3.73(b)(2)(I); MPEP § 409.03(b)(A). A review of the declaration shows that it is in compliance with 37 CFR 1.497(a) and (b).

Concerning item (5), the 37 CFR 1.47(b) applicant claims proprietary interest through an assignment executed by the sole inventor. MPEP § 409.03(f) discusses proof of proprietary interest, and states, in relevant 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, . . .

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (see MPEP § 324).

Here, the 37 CFR 1.47(b) applicant provided a copy of the assignment which has been recorded in the above-captioned application. A review of the document verifies that the nonsigning inventor transferred his international interests in an invention titled Static Seal to the 37 CFR 1.47(b) applicant. USPTO records indicate that the only application with such a title and inventor is the subject application. A statement under 37 CFR 3.73(b) was provided.

Concerning item (6), the 37 CFR 1.47(b) applicant has made the requisite statement that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage as required by MPEP § 409.03(g).

Accordingly, items (1), (3), (4), (5) and (6) of 37 CFR 1.47(b) are satisfied.

Regarding item (2), the 37 CFR 1.47(b) applicant sent a copy of the following documents to the nonsigning inventor's last known address on 04 March 2010 using a DHL courier, *i.e.* a copy of the subject application, a declaration, and a statement to sign if the inventor refuses to cooperate sign. The letter was not delivered. DHL Express states that "the consignee listed on the waybill was unknown at the delivery address and at the telephone number provided" in a letter to counsel dated 30 March 2010.

Counsel claims that she then attempted to verify the address of Mr. GELDENHUYS using the White Pages of South Africa for Pretoria and Erasmuskloof. No results were found. A statement of facts by Dr. Malcolm Engel was also provided stating that Mr. GELDENHUYS left the employment of the assignee "under strained circumstances" and that the nonsigning inventor "has been a party to threatened legal action against" the assignee. Copies of the relevant documents were provided.

Section 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached¹ 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.

The 37 CFR 1.47(b) applicant claims that Mr. GELDENHUYS, who has threatened legal action against the assignee and left the employment of the assignee under strained circumstances, could not be located. A partial search using the internet was made in attempting to locate Mr. GELDENHUYS. However, the 37 CFR 1.47(b) applicant has not explained why the search for GELDENHUYS was limited to two towns in South Africa. The burden is on petitioner to show that a diligent effort was made to locate the nonsigning inventor. Moreover, the statement by Dr. Engel indicates that Mr. GELDENHUYS has threatened legal action against the 37 CFR 1.47(b) applicant. It is not clear, however, whether Mr. GELDENHUYS has retained the services of counsel. More information in this regard is required. The 37 CFR 1.47(b) applicant must address these issues in any renewed petition and also show that a 'diligent effort' was made to locate Mr. GELDENHUYS.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

¹ The statement in the petition that Mr. GELDENHUYS would have likely refused to sign the declaration will not be addressed as the statement is considered mere speculation.

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



James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302



Julie K. Morriss
MORRISS O'BRYANT COMPAGIN, PC
734 East 200 South
Salt Lake City, UT 84102

MAILED

DEC 10 2010

PCT LEGAL ADMINISTRATION

In re Application of :
GELDENHUYS, Siegfried :
U.S. Application No.: 12/452,915 :
PCT No.: PCT/IB2008/052971 :
Int. Filing Date: 24 July 2008 :
Priority Date: 30 July 2007 :
Docket No.: 4749.ADAM.PC.US :
For: STATIC SEAL :

DECISION

This decision is in response to the renewed petition under 37 CFR 1.47(b) submitted on 25 October 2010.

BACKGROUND

On 23 August 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 pursuant to 37 CFR 1.136(a).

On 25 October 2010, the 37 CFR 1.47(b) applicant submitted a renewed response which was accompanied by, *inter alia*, a supplemental statement of facts by Julie K. Morriss, a declaration by Neil Voller of Weir Minerals Africa, and documentary evidence in support of the petition (Exhibits 1- 4).

DISCUSSION

The 37 CFR 1.47(b) applicant claims that the inventor, Siegfried GELDENHUYS, could not be reached.

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 cooperate 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. Item (2) of 37 CFR 1.47(b) was not satisfied in the initial petition.

In the renewed response, the 37 CFR 1.47(b) applicant has provided sufficient

evidence to show that a diligent effort was made to locate the nonsigning inventor. The supplemental statement of facts by Ms. Morriss details the efforts to locate the whereabouts of Mr. GELDENHUYS. Applicants included documentary evidence (Exhibits 1 - 4, declaration of Mr. Voller) that support the finding that the nonsigning inventor could not be located.

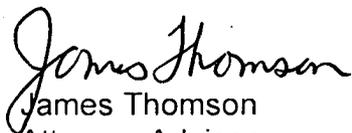
This evidence is sufficient to meet the requirements of § 409.03(d)(I) of the MPEP. Item (2) of 37 CFR 1.47(b) is satisfied. Therefore, all items of 37 CFR 1.47(b) are complete.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(b) is hereby GRANTED.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 24 July 2008, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 20 May 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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Siegfried Geldenhuys
14 Sundown Estate
Gariep Street
Erasmuskloof 0048
Pretoria, South Africa

MAILED

DEC 10 2010

PCT LEGAL ADMINISTRATION

In re Application of
GELDENHUYS, Siegfried
U.S. Application No.: 12/452,915
PCT No.: PCT/IB2008/052971
Int. Filing Date: 24 July 2008
Priority Date: 30 July 2007
Docket No.: 4749.ADAM.PC.US
For: STATIC SEAL

Mr. Geldenhuys:

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

MORRISS O'BRYANT COMPAGIN, PC
734 East 200 South
Salt Lake City, UT 84102



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Decision Date : September 5,2011

In re Application of :

Chandra Singh

Application No : 12452936

Filed : 29-Jan-2010

Attorney Docket No : TLI111

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 5,2011

The request is **APPROVED**.

The request was signed by John M. Hammond (registration no. 52986) on behalf of all attorneys/agents associated with Customer Number 46488 . All attorneys/agents associated with Customer Number 46488 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 Chandra U.
Name2 Singh
Address 1 100 N.E. Loop 410
Address 2
City San Antonio
State TX
Postal Code 78216
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	12452936	
Filing Date	29-Jan-2010	
First Named Inventor	Chandra Singh	
Art Unit	1629	
Examiner Name	LESLIE DRAPER	
Attorney Docket Number	TLI111	
Title	PHARAMACEUTICAL COMPOSITIONS FOR TREATING CHRONIC PAIN AND PAIN ASSOCIATED WITH NEUROPATHY	
<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:		46488
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	Chandra U. Singh	
Address	100 N.E. Loop 410	
City	San Antonio	
State	TX	
Postal Code	78216	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John M. Hammond/
Name	John M. Hammond
Registration Number	52986



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**SYNTA PHARMACEUTICALS CORP.
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206**

MAILED

NOV 02 2011

OFFICE OF PETITIONS

Applicant : Shoujun Chen
Appl. No.: 12/452,980
International Filing Date: July 31, 2008
Title: VINYL-ARYL DERIVATIVES FOR INFLAMMATION AND IMMUNE-RELATED USES
Attorney Docket: S1581.70010US01
Pub. No.: US 20100292252A1
Pub. Date: November 18, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 7, 2011, for the above-identified application.

The request is granted.

The instant request identifies a material Office mistake in claim 1.

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

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.: 12/452,980

Page 2

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

MAILED
MAR 29 2011
OFFICE OF PETITIONS

Applicant: Norio Yamagaki
Appl. No.: 12/452,987
International Filing Date: July 28, 2008
Title: SYSTEM, METHOD, AND PROGRAM FOR GENERATING NON-DETERMINISTIC
FINITE AUTOMATON NOT INCLUDING E-TRANSITION
Attorney Docket No.: NEG-924PCT-US
Pub. No.: US 2010/0138367 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 September 7, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the name of the inventor "Norio Yamogaki" was misprinted as "Nario Yanagaki".

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 September 7, 2010, was not timely filed under 37 CFR 1.221(b).

Furthermore, the error on the front page of the publication wherein the spelling of the inventor's name is incorrect may be Office error, but is not a material Office error under 37 CFR 1.221. The typographical error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical

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).

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.

On February 24, 2010, a Filing Receipt was mailed by the Office, which improperly listed the inventor's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

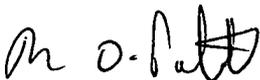
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

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

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

30 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
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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN CT 06508-1832

In re Application of :
Bergman et al. :
Application No. 12/452,996 :
PCT No.: PCT/EP2008/059391 :
Int. Filing Date: 17 July 2008 : DECISION
Priority Date: 03 August 2007 :
Atty. Docket No.: 103040-102 :
For: IGF-1R Binding Polypeptides And Their Use :

This is in response to the correspondence filed on 07 June 2010.

BACKGROUND

This international application was filed on 17 July 2008, claimed an earlier priority date of 03 August 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 12 February 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 03 February 2010. Applicants filed, *inter alia*, the basic national fee on 29 January 2010.

On 21 April 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 10 August 2010, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "06/07/2010" were mailed.

DISCUSSION

Counsel indicates (*inter alia*) that "Inventor Anders BLOMQVIST has changed his family name to JARSTAD..." Inspection of the published international application reveals that it nominates "BLOMQVIST, Anders" as an inventor, whereas the declaration filed on 07 June 2010 names "Anders JARSTAD" instead. MPEP 605.04(b) states in part that

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

In that the requested change clearly represents more than the correction of a typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Any such petition should be accompanied by a first-hand statement, preferably by the inventor himself, stating the relevant facts. *See also* MPEP 1893.01(e).

Applicants are reminded that it is improper to modify an oath or declaration after execution, such as by attaching a signed sheet to remaining pages which were not present when said sheet was signed. See MPEP 201.03 and 605.04(a). The declarations filed on 07 June 2010 are presumed to be complete copies of the declarations as executed. If this presumption is incorrect, applicants must immediately notify the Office of PCT Legal Administration.

The Filing Receipt and Notice of Acceptance mailed on 10 August 2010 were issued prematurely, and both are hereby **VACATED**.

DECISION

The declaration filed on 07 June 2010 is **NOT ACCEPTED** under 37 CFR 1.497(a) and (b), without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



United States Patent and Trademark Office

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DEC 06 2010

WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
ONE CENTURY TOWER, P.O. BOX 1832
NEW HAVEN CT 06508-1832

PCT LEGAL ADMINISTRATION

In re Application of	:	
Bergman et al.	:	
Application No. 12/452,996	:	
PCT No.: PCT/EP2008/059391	:	
Int. Filing Date: 17 July 2008	:	DECISION
Priority Date: 03 August 2007	:	
Atty. Docket No.: 103040-102	:	
For: IGF-1R Binding Polypeptides And Their Use	:	

This is in response to the petition under 37 CFR 1.182 filed on 18 October 2010.

DISCUSSION

In a Decision mailed on 30 August 2010, applicants were advised that

Inspection of the published international application reveals that it nominates "BLOMQVIST, Anders" as an inventor, whereas the declaration filed on 07 June 2010 names "Anders JARSTAD" instead... In that the requested change clearly represents more than the correction of a typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted.

In response, applicants have filed the instant petition which indicates that "Anders Blomqvist changed his legal family name to Anders Jarstad by marriage on August 9, 2009." The petition is accompanied by a statement by the inventor attesting to the relevant facts. Based on the totality of the evidence of record, it would be appropriate to accept the inventor's name as it appears on the declaration filed on 07 June 2010.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The declaration filed on 07 June 2010 is **ACCEPTED** under 37 CFR 1.497(a) and (b).

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 **07 June 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283



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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.
12/453,111	04/29/2009	Chung Wan Kyun	4823-0120PUS1	7835
2292	7590	05/20/2011	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			PIHULIC, DANIEL T	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			3662	
			NOTIFICATION DATE	DELIVERY MODE
			05/20/2011	ELECTRONIC

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

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

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mailroom@bskb.com



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MAY 19 2011

In re Application of : DECISION ON PETITION
Chung Kyun et al. :
SERIAL NO.: 12/453,111 :
FILED: April 29, 2009 :
FOR: METHOD OF CONSTRUCTING :
ENVIRONMENTAL MAP USING :
SONAR SENSORS :

This is a decision on the request filed April 29, 2009 to waive the requirements of 37 CFR 1.84(a) so as to permit the application to include a color drawing. Applicant has shown that the use of color is an essential element in the representation of the drawing.

Petition Granted.

/ Thomas H. Tarcza/

Thomas H. Tarcza
SPE, Art Unit 3662
571-272-6979



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HOFFMAN, WASSON & GITLER, P.C.
SUITE 522
2461 SOUTH CLARK STREET
ARLINGTON VA 22202

MAILED

AUG 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Arthur Vanmoor	:	DECISION ON PETITION
Application No. 12/453,128	:	TO WITHDRAW
Filed: April 29, 2009	:	FROM RECORD
Attorney Docket No. A-11297	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed July 29, 2010.

The request is **NOT APPROVED**.

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

The request was signed by Martin P. Hoffman on behalf of all attorneys of record associated with Customer Number 20741. **However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.**

Further, the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on July 29, 2010 is hereby not accepted. **Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.** Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;**
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and**

(3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with items (1) and (2) of the above certifications.

Petitioner's attention is drawn to the Certifications instruction box which states: **Check each box below that is factually correct. WARNING: If a box is left unchecked, the request will likely not be approved.** A copy of PTO/SB/83 is enclosed.

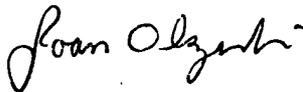
With regards to Item (1) petitioner has not properly certified having given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment. Petitioner has instead submitted a copy of a "VIA EMAIL ONLY" correspondence dated June 21, 2010. This is not a certification as noted above.

Additionally with regards to Item (2) petitioner has failed to certify that all papers and property (including funds) to which the client is entitled have been delivered to the client or a duly authorized representative. Petitioner has instead stated that "Mr. Vanmoor has been provided with copies of all documents filed on his behalf in this application, and can also download documents from the Patent and Trademark Office website." **Petitioner is required to certify that the client or a duly authorized representative of the client has been delivered all papers and property (including funds) to which the client is entitled.**

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

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

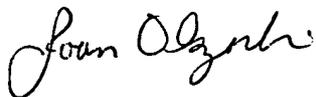
Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/83

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



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Arthur Vanmoor
Nieuwezijds Voorburgwal 86, Suite 33
Amsterdam, The Netherlands 1012AT



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Decision Date: April 2, 2012

In re Patent No. 8117500

Issue Date: 14-Feb-2012

Application No 12453161

DECISION ON REQUEST
UNDER 37 CFR 3.81(b)

Filed date 30-Apr-2009

Attorney Docket No 10761.2112-00000

This is an electronic decision on the request filed April 2, 2012 under 37 CFR 3.81(b) to correct the name of the assignee of the above-identified patent by way of a Certificate of Correction.

Petitioner request that the listed assignment information be replace with updated assignment information.
Assignment Information Currently Listed As:

Accenture Global Services GmbH

Change Assignment Information to the Following:

Accenture Global Services Limited

The request is GRANTED.

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

Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificate of Correction Branch will be notified of this decision granting the request under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/141 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))	
Application Number	12453161	
Filing Date	30-Apr-2009	
First Named Inventor	Wang Ng	
Attorney Docket Number	10761.2112-00000	
Title of Invention	SYSTEMS AND METHODS FOR IDENTIFYING A RELATIONSHIP BETWEEN MULTIPLE INTERRELATED APPLICATIONS IN A MAINFRAME ENVIRONMENT	
Pursuant to 37 CFR 3.81(b), applicant hereby request that the listed assignee with respect to U.S. Patent Number 8117500 be corrected to accurately reflect the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.		
<input checked="" type="checkbox"/> I certify, in accordance with 37 CFR 1.4(d)(4), that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent.		
Correction of Assignee Current Assignment Listed (240 char limit) The assignment information is currently listed as:		
Accenture Global Services GmbH		
Update Assignment Listing to (240 char limit) Change assignment information to the following:		
Accenture Global Services Limited		
<input checked="" type="checkbox"/> As required by 37 CFR 3.81, a Request for a Certificate of Correction is being filed herewith, along with the fee set forth in 37 CFR 1.20(a).		

- Applicant(s) status remains as OTHER THAN small entity.
- Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- Applicant(s) status remains as SMALL ENTITY.
- Applicant is no longer claiming small entity status. See 37 CFR 1.27(g)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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 request
- The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Erika H. Arner/
Name	Erika H. Arner
Registration Number, if applicable	57540

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) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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Raphael Rush
50 Millersgrove Drive
Toronto ON M2R 3R9 CA CANADA

MAILED

NOV 22 2010

In re Application of
Raphael Rush
Application No. 12/453,201
Filed: May 1, 2009

:
:
: **OFFICE OF PETITIONS**
: **DECISION ON PETITION**
:
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed May 26, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 27, 2009. The Notice of Abandonment was mailed February 3, 2010.

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

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

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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SEP 29 2010

OFFICE OF PETITIONS

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

In re Application of Claudia Angelica SOTO :
PEREDO :
Application No. 12/453,217 : DECISION ON PETITION
Filed: May 1, 2009 :
Attorney Docket No. 2585-0126PUS2 :

This is a decision on the petition filed September 22, 2009, under the provisions of 37 CFR 1.182 requesting a "transfer of Figures 1 and 2 from parent application No. 10/538,277 to the instant application."

The petition is **GRANTED**.

The instant petition satisfies the hardship requirement set forth in MPEP § 608.02(i). In view thereof, the Office of Patent Application Processing is hereby directed to transfer the "original copies" of the photographs of Figures 1 and 2 from parent application No. 10/538,277 to the instant application.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) -272-4914.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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APPLICATION NO. 12/453,277	FILING DATE 05/05/2009	FIRST NAMED INVENTOR Seung-Ho Park	ATTORNEY DOCKET NO. 304/137	CONFIRMATION NO. 6022
7590 09/07/2010		EXAMINER HJERPE, RICHARD A		
LEE & MORSE, P.C. 3141 FAIRVIEW PARK DRIVE SUITE 500 FALLS CHURCH, VA 22042		ART UNIT 2629		
		MAIL DATE 09/07/2010		
		DELIVERY MODE PAPER		

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

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,324	05/07/2009	Mikio Sasaki	01-1874	6131
23400	7590	10/25/2011	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			ABDI, AMARA	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			10/25/2011	ELECTRONIC

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



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

In re Application of	: DECISION ON REQUEST TO
Mikio SASAKI	: PARTICIPATE IN THE PATENT
Application No.: 12/453,324	: PROSECUTION HIGHWAY
Filed: 07 May 2009	: PROGRAM AND PETITION
Attorney Docket No.: 01-1874	: TO MAKE SPECIAL UNDER
For: APPARATUS FOR IMAGE	: 37 CFR 1.102(a)
RECOGNITION	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 28 September 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 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 then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;

5. Applicant must submit:

a. Documentation of prior office action:

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

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

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

6. Applicant must submit:

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

Conditions (1-5) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (6).

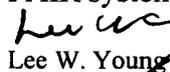
Regarding the requirement of condition (6), applicant has failed to provide copies of JP-A-2001-250118, JP-A-11-341476, JP-A-2002-197445, and JP-A-04-328689. These references were cited on the IDS filed 10 June 2010.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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



Lee W. Young
Quality Assurance Specialist- Technology Center 2600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,324	05/07/2009	Mikio Sasaki	01-1874	6131
23400	7590	11/16/2011	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			ABDI, AMARA	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			11/16/2011	ELECTRONIC

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



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

**In re Application of
Mikio SASAKI
Application No.: 12/453,324
Filed: 07 May 2009
Attorney Docket No.: 01-1874
For: APPARATUS FOR IMAGE
RECOGNITION**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 28 September 2011 and renewed 09 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

- a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must:
- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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



Lee W. Young
Quality Assurance Specialist
Technology Center 2600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120105

DATE : January 05, 2012

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction on Patent No.: 8,047,136

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

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

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

Thank You For Your Assistance

Certificates of Correction Branch

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

Note your decision on the appropriated box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments:

/MICHAEL CARONE/
Supervisory Patent Examiner.Art Unit 3641



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/453,370 05/08/2009 Elly Bak 018786-0150 4221

7590 05/02/2011
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

KRUSE, DAVID H

ART UNIT PAPER NUMBER

1638

MAIL DATE DELIVERY MODE

05/02/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

May 2, 2011

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of :
Elly Bak et al. : **DECISION ON PETITION**
Application No. 12453370 :
Filed: 5/8/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 018786-0150 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 8, 2009.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,373	05/08/2009	Geraldo R. Iglesia	WAKS	3366
	7590	11/17/2010	EXAMINER	
Geraldo R. Iglesia 11580 Kirby Place San Diego, CA 92126			WAKS, JOSEPH	
			ART UNIT	PAPER NUMBER
			2839	
			MAIL DATE	DELIVERY MODE
			11/17/2010	PAPER

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Geraldo R. Iglesia
11580 Kirby Place
San Diego, CA 92126

In re Application of :
Geraldo R. Iglesia. : **DECISION ON PETITION**
Application No. 12/453,373 : **TO SUSPEND PROSECUTION**
Filed: May 08, 2009 : **UNDER 37 C.F.R. § 1.103**
Attorney Docket No. WAKS :

This is a decision on the Request for Suspension of Office Action, filed September 17, 2010, requesting that the prosecution of the above-identified application be suspended under 37 C.F.R. § 1.103(a) for a period of 6 (six) months.

The petition is DENIED.

Suspension of action is governed by 37 C.F.R. § 1.103.

37 C.F.R. § 1.103(a) states as follows:

(a) Suspension for cause. On request of the applicant, the Office may grant a suspension of action by the Office under this paragraph for good and sufficient cause. The Office will not suspend action if a reply by applicant to an Office action is outstanding. Any petition for suspension of action under this paragraph must specify a period of suspension not exceeding six months. Any petition for suspension of action under this paragraph must also include:

- (1) A showing of good and sufficient cause for suspension of action; and
- (2) The fee set forth in § 1.17(g), unless such cause is the fault of the Office.

Pursuant to 37 C.F.R. § 1.103(a), the Office may grant suspension of action by the Office for good and sufficient cause. In the petition, the Applicant has stated "to allow time to obtain additional evidence (including building and testing a prototype of the proposed invention)". Since the Applicant has not provided (a) the nature of evidence that will be collected, including the prototype of a working device as being claimed and/or disclosed, (b) the timeline within which the prototype will be built and data will be collected, (c) the nature of test data or evidence that will be obtained, and how the data will be obtained, including methodology, chart, graph, table, photographs, report, test data, etc and (d) the manner that the prototype will be independently inspected and how the collected data will be certified. At this time and based on

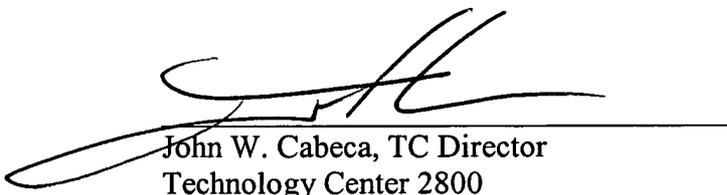
the current record, the showing of record does not rise to the level of "good and sufficient" cause for suspending prosecution.

For the above stated reason, the petition is denied.

Any request for reconsideration of this decision should include information as outlined in items (a) through (d) above. No further petition fee is required.

The case is forwarded to the Examiner for further action.

Any inquiry regarding this decision should be directed to T. C. Patel, SPE 2839, at (571) 272-2098.



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



DAC \$
IHJ /

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: September 16, 2010

In re Application of:

IGLESIA, Geraldo

Confirmation No. 3366

Application No. 12/453,373

Group Art Unit: 2839

Filed: May 8, 2009

Examiner: WAKS, J.

REQUEST FOR SUSPENSION OF OFFICE ACTION

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

09/20/2010 CCHAUI 00000026 12453373
01 FC:1463 200.00 DP

Sir:

Pursuant to §1.103 of the Manual of Patent Examining Procedure (MPEP), submitted herewith for filing in the U.S. Patent and Trademark Office (USPTO) are the following:

- (1) Request for Suspension of Action by the USPTO; and
- (2) Check for \$200 as payment of requisite fee [per MPEP §1.17(g)].

An interview via telephone conference between the Examiner and the Applicant was conducted earlier today, in which major disagreement as to the operability and utility of the proposed invention has been left unresolved. Both the Examiner and the Applicant are in apparent agreement that a centrifuge apparatus can induce centripetal acceleration (and, hence, an equivalent gravity field) in the radial direction much greater than 1g (acceleration due to earth's normal gravity). The major disagreement seems to center on respectively divergent perceptions as to the existence of gravitational potential energy due to this equivalent gravity field in the radial direction. The Examiner is of the opinion that, notwithstanding this equivalent gravity field in the radial direction, the fluid mass that exits the turbine(s) in the proposed invention carries no head (or distance) such that no effective work or potential energy due to the fluid mass can be developed. From the Applicant's standpoint, however, the fluid mass has to travel from the central axis of the centrifuge all the way to the exit turbine(s), while being subjected to a linearly varying gravity field in the radial direction (in addition to the usual gravity field in the vertical direction), for which work is performed on the fluid mass by the radial gravity field over a considerable distance. Thus, in the Applicant's view, the conversion of gravitational potential energy (at the central axis) due to the fluid mass into kinetic energy at the exit turbine(s) is the basis of the available energy that the proposed invention seeks to further convert and exploit in the form of usable electricity.

Application No. 12/453,373

Request for Suspension of Office Action (dated September 16, 2010)

The Applicant contends that the proposed invention does not violate established scientific principles, including the First and Second Doctrines of Conservation of Energy. On the other hand, the Examiner seems to firmly believe that the proposed invention does violate these energy conservation principles.

Accordingly, to allow time to obtain additional evidence (including possibly building and testing a prototype of the proposed invention) in support of the Applicant's position, the Applicant hereby requests for suspension of action by the USPTO for six months, consistent with MPEP §1.103.

Respectfully yours,



GERALDO R. IGLESIA, Ph.D., P.E.

Inventor

11580 Kirby Place

San Diego, CA 92126-1551

griglesia@g2dresources.com

(858) 547-4423



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,378	05/08/2009	Arlen Hawks	09-001	4267
76069	7590	01/14/2011	EXAMINER	
Kenneth R. Rice 4110 N. 17th Street Arlington, VA 22207-3005			CHIN, PAUL T	
			ART UNIT	PAPER NUMBER
			3652	
			MAIL DATE	DELIVERY MODE
			01/14/2011	PAPER

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

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



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JAN 14 2011

Kenneth R. Rice
4110 N. 17th Street
Arlington, VA 22207-3005

In re Application of : DECISION ON THE PETITION
Arlen Hawks : REGARDING REQUEST TO
Application No. 12/453,378 : WITHDRAW FINAL OFFICE
Filed: May 8, 2009 : ACTION
For: PET DOG CLEAN-UP POO SCOOPER

Applicant's petition under 37 CFR 1.181, filed December 8, 2010, requests withdrawal of the Final office action mailed October 7, 2010 due to the examiner's action being incomplete.

The petition is **GRANTED to the extent indicated below.**

A review of the file reveals that a non-final Office action that rejected all pending claims was mailed on April 9, 2010. A response to the non-final action was received on June 17, 2010. A final Office action that maintained the rejection of the claims made in the non-final Office action was mailed on October 7, 2010. An interview was held on October 26, 2010, to discuss the final rejection, with no agreement being reached. A request for reconsideration was filed November 22, 2010 which was responded to with an Advisory Action mailed December 6, 2010 that indicated that the arguments in the request were not persuasive and would not place the case in condition for allowance. The instant petition (which is unsigned) was filed December 8, 2010.

The applicant's petition argues that the examiner failed to address the arguments presented by the applicant in the response filed July 1, 2010, (the arguments were actually filed along with a non-compliant amendment filed June 17, 2010), and that this failure to address the arguments made the final rejection incomplete.

Initially, it is noted that it is not argued that the rejections themselves made in the final rejection were prematurely made final, only that the examiner's argued failure to address the arguments presented by the applicant caused the final rejection to be an incomplete action. The petition itself does not specify which of applicant's arguments the examiner allegedly failed to address. However, a review of the arguments filed June 17, 2010 and the final rejection dated October 7, 2010 reveals the following:

Applicant argued that the "top portion of the tongue connectable near the bottom edge of the second side panel" as recited in claim 1 was not taught by Goldsholl. The applicant further went on to argue that the limitations specifying the connections of various elements of the invention, as specified by claims 4-8, were not taught by Goldsholl or Struble. The applicant also argued that the limitation of construction of up to 70% post consumer waste paper as

recited in claim 9 was not taught by Goldsholl or Struble. Finally, the applicant argued that the various method limitations of claims 10-13 were not taught by Goldsholl or Struble.

Regarding the arguments concerning claim 1, in the final rejection of October 7, 2010 the examiner specifically takes issue with the assertion of the alleged missing limitation and explains how that limitation is taught by the reference. However, with regard to the arguments directed to the rejection of claims 2-13 under 35 USC 103 as being obvious over Goldsholl in view of Struble, applicant is correct in that the examiner has apparently failed to take note of the applicant's arguments and answer the substance of them as per MPEP 707.07(f). The examiner has not provided any clear response to the arguments directed to the rejections of these claims.

Therefore it is concluded that the examiner of record in this case has not provided at least the minimum necessary to qualify the final action Office action of October 7, 2010 as being complete. Note that the propriety of any of the rejections is not being decided here, since any such issues are appealable and not proper for review on petition. The finality of the action, but not the action itself, is being withdrawn, and the application is being returned to the examiner to prepare a new, complete final Office action that includes a proper response to the arguments included by the applicant in the response of June 17, 2010.

The petition for withdrawal of the finality is **GRANTED to the extent indicated above.**

Any questions or comments with respect to this decision should be forwarded to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.



Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5250

snm/snm: 12/22/10

SM



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Richard D. Okimaw
210-347 Leon Avenue
Kelowna BC V1Y8C-7 CA CANADA

MAILED

MAY 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Natasha Yee Beaulieu	:	
Application No. 12/453,450	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. RDO/10068-002	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 11, 2011.

The request is **NOT APPROVED**.

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

The request is not approved because the practitioner(s) lacks items (1) (2) and (3) certifications mention above that is required under 37 CFR 10.40. I will also like to bring to petitioner attention that the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Power of Attorney filed on May 12, Therefore, the request can not be granted at this time we strongly encourage petitioner to use the enclosed Request for Withdrawal as Attorney or Agent and Change of Correspondence Address form PTO/SB/83.

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

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



JoAnne Burke
Petitions Examiner
Office of Petitions

Attachment: Blank Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83) form



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Richard D. Okimaw
210-347 Leon Avenue
Kelowna BC V1Y8C-7 CA CANADA

MAILED

AUG 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Natasha Yee Beaulieu	:	
Application No. 12/453,450	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. RDO/10068-002	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 19, 2011 and supplement on August 3, 2011.

The request is **APPROVED**.

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

The request was signed by Richard D. Okimaw on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified applicaiton have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Natasha Yee Beaulieu at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Natasha Yee Beaulieu
11458 - 114a Street
Surrey British Columbia Canada V3R 7C8



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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.
12/453,475	05/12/2009	Naoto Suzuki	140944	3130
25944	7590	12/14/2010	EXAMINER	
OLIFF & BERRIDGE, PLC			MEYER, JACOB B	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			3618	
			NOTIFICATION DATE	DELIVERY MODE
			12/14/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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DEC 13 2010

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

In re application of : **DECISION ON REQUEST TO**
Suzuki et al. : **PARTICIPATE IN PATENT**
Application No. 12/453,475 : **PROSECUTION HIGHWAY**
Filed: May 12, 2009 : **PROGRAM AND PETITION**
For: VEHICLE : **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 21, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed October 21, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

 / Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 12/10/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,610	05/15/2009	Masanori Arai	141586	3993

7590 06/09/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

MULLEN, THOMAS J

ART UNIT	PAPER NUMBER
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2612

NOTIFICATION DATE	DELIVERY MODE
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06/09/2011

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent(Publication Branch
Office of Data Management



LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS VA 20110

MAILED

JAN 26 2012

OFFICE OF PETITIONS

In re Application of
Bekir Sami Yilbas et al.
Application No. 12/453,656
Filed: May 18, 2009
Attorney Docket No. **18692.89**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed January 4, 2012, to change the name of the inventor due to error on the part of the applicant.

The petition is **GRANTED**.

Petitioner argues that the spelling of the second inventor's name is SAAD BIN MANSOOR and not SAAD BIN MANSOUR as was typed on the declaration. Petitioner requests a correction of the spelling of the inventor's name. A declaration by the inventor explains how the error occurred, that while the name was typed incorrectly, it was signed correctly. Although the "without deceptive intent statement" was not included in the petition, the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

In view of the instant request, the following inventor name data will be changed.

Inventor **SAAD BIN MANSOOR**

A Corrected Filing Receipt, which reflects the correct name of the inventor accompanies this decision on petition.

This matter is being referred to the Publishing Division.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/453,656	05/18/2009	2123	545	18692.89	8	1

CONFIRMATION NO. 7479

CORRECTED FILING RECEIPT

37833
LITMAN LAW OFFICES, LTD.
PATENT LAW BUILDING
8955 CENTER STREET
MANASSAS, VA 20110



Date Mailed: 01/26/2012

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)

Bekir Sami Yilbas, Dhaharan, SAUDI ARABIA;
Saad Bin Mansoor, Dhahran, SAUDI ARABIA;

Power of Attorney: The patent practitioners associated with Customer Number 37833

Domestic Priority data as claimed by applicant

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

If Required, Foreign Filing License Granted: 08/10/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/453,656**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

METHOD OF MODELING PHASE CHANGES DUE TO LASER PULSE HEATING

Preliminary Class

703

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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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	12453658	
Filing Date	18-May-2009	
First Named Inventor	Kazuo Ishii	
Art Unit	3674	
Examiner Name	GILBERT LEE	
Attorney Docket Number	2009_0784	
Title	Bearing seal	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.		
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	UCHIYAMA MANUFACTURING CORP.	
Address	338 ENAMI, OKAYAMA-SHI	
City	OKAYAMA	
State		
Postal Code	702-8004	
Country	JP	

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

Signature	/Charles R Watts/
Name	Charles R. Watts
Registration Number	33142



UNITED STATES 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 28, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Kazuo Ishii

ATTORNEY/AGENT OF RECORD

Application No : 12453658

Filed: 18-May-2009

Attorney Docket No : 2009_0784

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed March 28, 2012

The request is **APPROVED**

The request was signed by Charles R. Watts (registration no. 33142) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

Name UCHIYAMA MANUFACTURING CORP.
Name2
Address 1 338 ENAMI, OKAYAMA-SHI
Address 2
City OKAYAMA
State
Postal Code 702-8004
Country JP

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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MAILED

DEC 22 2010

OFFICE OF PETITIONS

Seatek Company, Inc.
392 Pacific Street
Stamford, CT 06902

In re Application of Ducret :
Application No. 12/453,706 : Decision on Petition
Filing Date: May 20, 2009 :
Attorney Docket No. ST-010 :

This is a decision on the petition under 37 CFR 1.137(b) filed July 26, 2010, to revive the application.

The petition is **granted**.

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on June 12, 2009. The notice set a period for reply of two (2) months from the mail date of the notice. The notice required the submission of a \$65 surcharge and \$110 for the remainder of the examination fee.

Petitioner submitted a reply to the notice on December 17, 2009. In order for the reply to have been timely, the reply would have needed to have included \$1,175 for a five-month extension of time. The reply included an executed declaration, a check for \$935, and a request for a four-month extension of time.

Since an extension of time was not obtained, the reply filed December 17, 2009 was improper and the application became abandoned on February 18, 2010. A Notice of Abandonment was mailed June 4, 2010.

The instant petition was filed July 26, 2010, and requests the \$935 be applied towards fees due with the petition. As a result, the Office has applied \$65 of the fee towards the necessary surcharge, \$110 of the fee towards the required examination fee, and \$810 towards the required petition fee.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,

- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Patent Application Processing will be informed of the instant decision and the application will be prepared for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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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.
12/453,711	05/20/2009	Avishay Bransky	15872.220	9923
27887	7590	04/05/2011	EXAMINER	
FENNEMORE CRAIG 3003 NORTH CENTRAL AVENUE SUITE 2600 PHOENIX, AZ 85012			CHAUDRY, ATIF H	
			ART UNIT	PAPER NUMBER
			3753	
			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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FENNEMORE CRAIG
Attention: Rodney J. Fuller
3003 N. Central Avenue, Suite 2600
Phoenix, Arizona 85012

In re Application of: Bransky, Avishay et al. :
Appl. No.: 12453711 : DECISION ON PETITION
Filed: 05/20/2009 :
For: MICROFLUIDIC SYSTEM :
AND METHOD FOR :
MANUFACTURING THE SAME :

This is a decision on the petition under 37 C.F.R. 1.84(a) (2), filed 05/20/2009, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified be accepted in lieu of black and white drawings.

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

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

The petition was filed with the required fee and 3 (three) sets of color drawings not identified. The petition was filed with the required specific language as stated above in the brief description of drawings but the specification was not amended properly in accordance with 37 CFR 1.121 (h); [Amendment sections. Each section of an amendment document (e.g., amendment to the claims, **amendment to the specification**, replacement drawings, and remarks) **must begin on a separate sheet**].

Applicant's submission does not meet all the criteria set out above.

Accordingly, the petition is DISMISSED.

/Stephen Hepperle/
Stephen Hepperle
Technology Center 3700



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,762	05/21/2009	Keith C. Goldfinch	141530	7233
25944	7590	06/01/2011	EXAMINER	
OLIFF & BERRIDGE, PLC			O HERN, BRENT T	
P.O. BOX 320850			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320-4850			1783	
			NOTIFICATION DATE	DELIVERY MODE
			06/01/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



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May 31, 2011

EL

In re application of :
Goldfinch, et al. :
Serial No. 12/453762 :
Filed: May 21, 2009 :
For: **AEROFOIL SUB-ASSEMBLY, AN** :
AEROFOIL AND A METHOD OF :
MAKING AN AEROFOIL :

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed April 26, 2011.

The request and petition are **GRANTED**.

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

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UK IPO, note where the UK IPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the UK IPO application with similar claims and the UK IPO priority application;
- (2) Applicant must submit a copy of:
The allowable/patentable claim(s) from the UK IPO application(s);
- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UK IPO application(s); and
 - b. Submit a claims correspondence table;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
A copy of all of the office actions from each of the UK IPO application(s) containing the allowable/patentable claims that are the basis for the request or request that the USPTO obtain a copy from the UK IPO. If the USPTO is not

able to obtain a copy of all of the office actions from the UK IPO, the applicant will be notified and requested to provide the necessary documents; 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); and
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,855	05/26/2009	Kenichiro Yamada	MJS-5137-12	5260
7590 04/27/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER ZARABIAN, AMIR	
			ART UNIT	PAPER NUMBER
			2827	
			MAIL DATE	DELIVERY MODE
			04/27/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi James
 Patent Publication Branch
 Office of Data Management



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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of : **DECISION**
Brannmark, et al. : **ON PETITION**
Application No. 12/453,958 :
Filed: May 28, 2009 :
Attorney Docket Number: 1503-1129 :

This is in response to the petition under 37 CFR 1.84(a)(2), filed May 28, 2009, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

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

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

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the petition has not met requirement (3) above. In addition, the Office has determined that color drawings are not necessary for an understanding of the invention.

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

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

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

The application is being forwarded to Group Art Unit 2892.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.



Jose Dees
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Paper No.

Kubotera & Associates, LLC
200 Daingerfield Rd
Suite 202
Alexandria VA 22314

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of :
Yasuhiro Masuzaki : DECISION ON
Application No. 12/453,959 : PETITION
Filed: May 28, 2009 :
Attorney Docket No. H-0907K :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed September 21, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit drawings within three months of the mailing date, June 1, 2010, of the Notice of Allowability. This Office action set a three-month nonextendable statutory period for reply. No drawings having been received, the above-identified application became abandoned on September 2, 2010. A courtesy Notice of Abandonment was mailed on September 15, 2010.

The petition included the required reply¹ in the form of submission of drawings; payment of the petition fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

¹ The Issue Fee and Publication Fee were timely paid on August 10, 2010.

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

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

CHRISTOPHER BULLARD
HARNETT CORRECTIONAL INST.
LILLINGTON NC 27546

MAILED

MAY 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Bullard et al.	:	
Application No. 12/454,025	:	DECISION ON PETITION
Filed: May 12, 2009	:	PURSUANT TO 37 C.F.R.
Title: METRIC-INCH WRENCH	:	§ 1.181
	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181, filed on March 7, 2011, requesting that the holding of abandonment in the above-identified application be withdrawn.

BACKGROUND

A Notice of Missing Parts (first notice) was mailed May 11, 2010, which required a substitute specification, the filing fee along with the surcharge associated with the late submission of the same, and the search and examination fees. The first notice set a shortened statutory period for reply of two months. On June 17, 2010, the first-named inventor (Petitioner) submitted a substitute specification. The submission did not include an amendment directing the entry of a substitute specification,¹ the filing fee, the surcharge associated with the late submission of the filing fee, or the search or examination fees. On June 29, 2010, the Office mailed a Notice of Incomplete Reply (Nonprovisional) (second notice), which indicated that the filing fee along with the surcharge associated with the late submission of the same, as well as the search and examination fees were required. The second notice did not extend the period of response set by the first notice. As such, the period for submitting each required fee expired on July 11, 2010. On July

¹ 37 C.F.R. § 1.121(b)(3) sets forth, *in toto*: "[a]mendment by substitute specification. The specification, other than the claims, may also be amended by submitting: (i) An instruction to replace the specification; and (ii) A substitute specification in compliance with §§ 1.125(b) and (c)."

29, 2010, Petitioner submitted the filing fee and the surcharge associated with the late submission of the same. Neither the search fee nor the examination fee was included in this submission. On August 12, 2010, the Office mailed a second Notice of Incomplete Reply (Nonprovisional) (third notice), which indicated that the search and examination fees were required. The third notice did not extend the period of response set by the first notice. No response to the third notice was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 12, 2010. A notice of abandonment was mailed on February 14, 2011.

On February 17, 2011, the Office mailed a communication entitled "PAYMENT BEING RETURNED," which indicated that check number 273250 in the amount of \$320, dated February 9, 2011, was being returned as the application had gone abandoned.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

- (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
- (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
- (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

37 C.F.R. § 1.136(a)(1) sets forth, *in pertinent part*:

If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or five

months after the time period set for reply, if a petition for an extension of time and the fee set in § 1.17(a) are filed...

37 C.F.R. § 10.18(a) sets forth, *in toto*:

For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.

ANALYSIS

The present petition has not been signed and as such, pursuant to 37 C.F.R. § 10.18(a), reproduced above, the petition cannot be processed. For this reason, the petition under 37 C.F.R. § 1.181 is **DISMISSED**.

Assuming arguendo that the petition has been properly executed, the record does not support a finding that the holding of abandonment should be withdrawn. It is undisputed that Petitioner failed to submit the required \$380 (\$270 search fee plus \$110 examination fee) prior to July 12, 2010. It is further undisputed that Petitioner did not submit a request for an extension of time pursuant to 37 C.F.R. § 1.136(a). As such, the submissions of June 17, 2010 and July 29, 2010 were incomplete. Hence, the application went abandoned by operation of law on July 12, 2010. The record does not support a finding that the holding of abandonment should be withdrawn.

CONCLUSION

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. §§ 1.137(a)² and/or (b).³ Unless Petitioner believes that he can successfully assert that the

2 The fee that is associated with the filing of this petition is presently set at \$270 for a small entity. Petitioner may download the associated form here: <http://www.uspto.gov/web/forms/sb0061.pdf>.

3 The fee that is associated with the filing of this petition is presently set at \$810 for a small entity. Petitioner may download the associated form here: <http://www.uspto.gov/web/forms/sb0064.pdf>.

entire period of delay was unavoidable, he may wish to file pursuant to the unintentional standard. Petitioner may download information about these petitions here:

http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03c.htm#sect711.03c

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,⁴ hand-delivery,⁵ or facsimile.⁶ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁷

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

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

5 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

6 (571) 273-8300- please note this is a central facsimile number.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.⁸

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Christopher Bullard
0787186
RCC PO Box 1979
Lumberton, NC 28359

⁸ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



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United States Patent and Trademark Office
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Paper No.

CHRISTOPHER BULLARD
HARNETT CORRECTIONAL INST.
LILLINGTON NC 27546

MAILED
JUL 28 2011

In re Application of Bullard et al. :
Application No. 12/454,025 :
Filed: May 12, 2009 :
Title: METRIC-INCH WRENCH :

OFFICE OF PETITIONS
DECISION ON PETITION
PURSUANT TO 37 C.F.R.
§ 1.137(A)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(a), filed on July 13, 2011, to revive the above-identified application.

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

A Notice of Missing Parts (first notice) was mailed May 11, 2010, which required a substitute specification, the filing fee along with the surcharge associated with the late submission of the same, and the search and examination fees. The first notice set a shortened statutory period for reply of two months. On June 17, 2010, the first-named inventor (Petitioner) submitted a substitute specification. The submission did not include an amendment directing the entry of a substitute specification,¹ the filing fee, the surcharge associated with the late submission of the filing fee, or the search or examination fees. On June 29, 2010, the Office mailed a Notice of Incomplete Reply (Nonprovisional) (second notice), which indicated that the filing fee along with the surcharge associated with the late submission of the same, as well as the search and examination fees were required. The second notice did not extend the period of response set by the first notice. As such, the period for

¹ 37 C.F.R. § 1.121(b)(3) sets forth, *in toto*: "[a]mendment by substitute specification. The specification, other than the claims, may also be amended by submitting: (i) An instruction to replace the specification; and (ii) A substitute specification in compliance with §§ 1.125(b) and (c)."

submitting each required fee expired on July 11, 2010. On July 29, 2010, Petitioner submitted the filing fee and the surcharge associated with the late submission of the same. Neither the search fee nor the examination fee was included in this submission. On August 12, 2010, the Office mailed a second Notice of Incomplete Reply (Nonprovisional) (third notice), which indicated that the search and examination fees were required. The third notice did not extend the period of response set by the first notice. No response to the third notice was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 12, 2010. A notice of abandonment was mailed on February 14, 2011.

On February 17, 2011, the Office mailed a communication entitled "PAYMENT BEING RETURNED," which indicated that check number 273250 in the amount of \$320, dated February 9, 2011, was being returned as the application had gone abandoned.

A petition pursuant to 37 C.F.R. § 1.181 was filed on March 7, 2011, and was dismissed via the mailing of a decision on May 13, 2011.

Petition fee requirement:

The fee for filing a petition to revive an unavoidably abandoned application under 37 C.F.R. § 1.137(a) is set forth in 37 C.F.R. § 1.17(1) as being \$270 for a small entity and \$540 for a large entity. With this petition, Petitioner has not submitted any fees, and an authorization to charge any fee deficiency to a Deposit Account has not been located in the electronic file.

The payment of the required petition fee in full is a prerequisite to the filing of a petition to revive pursuant to 37 C.F.R. § 1.137. Therefore, consideration of the merits of the petition before receipt of the filing fee would be premature. See M.P.E.P. § 711.03(c)(III)(B), which sets forth, *in toto*:

35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(1). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is

a statutory prerequisite to revival of the abandoned application, and cannot be waived (emphasis added).

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

The phrase "unless the petition is filed under [35 U.S.C.] 133 or 151" signifies that petitions to revive filed on the basis of "unavoidable" delay (under 35 U.S.C. 133 or 151) are a subset of petitions to revive filed on the basis of unintentional delay. That is, "unavoidable" delay and "unintentional" delay are not alternatives; "unavoidable" delay is the epitome of "unintentional" delay. Any petition to revive an abandoned application or lapsed patent must meet the minimal "unintentional" delay threshold, and an applicant need only pay the fee specified in 37 CFR 1.17(l) (rather than the fee specified in 37 CFR 1.17(m)) if the petition is also accompanied by an adequate showing that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a), was unavoidable.

It follows that this petition cannot be considered on the merits.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.137(a), and should include payment in the amount of \$650.² It is noted that Petitioner has asserted that he has been declared indigent and that as a prisoner of the state, he does not have access to money. While the Office is not unmindful of Petitioner's situation, receipt of the \$270 petition fee is required before this petition can be processed on the merits.

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

² The \$270 search fee, the \$110 examination fee, and the \$270 petition fees are required.

Any subsequent filing pertaining to the abandonment of this application should indicate that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,³ hand-delivery,⁴ or facsimile.⁵ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁶

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Alternatively, Petitioner may wish to consider filing a petition pursuant to 37 C.F.R. § 1.137(b), which carries a significantly lower standard. Should Petitioner wish to file pursuant to 37 C.F.R. § 1.137(b), the associated fee would be \$810 for a small entity. Petitioner may download information about this petition here:

http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03c.htm#sect711.03c

It is noted that the address listed on the petition differs from the address of record. Petitioner has submitted a Change of Correspondence Address concurrently with this petition. This request cannot be entered however, as it cannot be effectuated - see 37 C.F.R. §§ 1.33(a)(2) and 1.33(b)(4). A fully-executed declaration was deposited on initial deposit, and as such, **any request to change the correspondence address must be executed by each of the two joint inventors.**

If Petitioner desires to receive future correspondence regarding this application, a properly executed change of correspondence address must be submitted by any party identified in Rule 1.33(b)(1), (3), or (4). A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless a properly executed Change of Correspondence Address, Patent Form (PTO/SB/122) (or a properly executed Revocation of Power of Attorney with a New Power of

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

4 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

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

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

Attorney and Change of Correspondence Address form) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Christopher Bullard
0787186
RCC PO Box 1979
Lumberton, NC 28359

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
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Application Number	12454032
Filing Date	11-May-2009
First Named Inventor	James Dees
Attorney Docket Number	Applied H2 75008-03
Title	Hydrogen generator designed for use with gas and diesel engines

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
 (1) Petition fee;
 (2) Reply and/or issue fee;
 (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
 (4) Statement that the entire delay was unintentional

Petition Fee

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

2. Reply and/or fee

- I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on
- Amendment and response are attached

RCE request, submission, and fee.

- I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on
- RCE Request, Submission, and Fee are attached

Notice of Appeal

I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

A sole inventor

A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

A joint inventor; all of whom are signing this e-petition

The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Paul Heynssens/
Name	Paul Heynssens
Registration Number	47648



UNITED STATES 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 24, 2012

In re Application of James Dees

Application No. 12454032

Filed: 11-May-2009

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. Applied H2 7500

This is an electronic decision on the petition under 37 CFR 1.137(b), March 24, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

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

This application file is being directed to the Technology Center.

Office of Petitions



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.
12/454,045	05/13/2009	James Ross Cruz		4208

7590 10/08/2010
James R. Cruz
1557 Chadbury Drive
Roseville, CA 95678

EXAMINER

BALDWIN, GORDON

ART UNIT PAPER NUMBER

1784

MAIL DATE DELIVERY MODE

10/08/2010

PAPER

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

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

The petition is granted.

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

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

Nina Armes
Patent Publication Branch
Office of Data Management

12/454,045
05/13/2009
James R. Cruz
1557 Chadbury Drive
Roseville, CA 95678

Adjustment Date: 10/12/2010 10:44:01
05/13/2009 11:00:00 20090513 12/454,045
OF PATENT -279.00 00

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/16/11

TO SPE OF : ART UNIT: 2814

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/454,052 Patent No. 8,073,787

CofC mailroom date 12/6/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: Changes are all approved /Fadev S. Jabr/

/John W Hayes/

12/19/2011

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

**SPE
3628**

Art Unit:

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/16/11

TO SPE OF : ART UNIT: 2814

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/454.052 Patent No. 8,073,787

CofC mailroom date 12/6/11

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

**Certificates of Correction Branch
703-756-1814 _____**

Thank You For Your Assistance

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

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

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

Denied

State the reasons for denial below.

Comments: Changes are all approved /Fadey S. Jabr/



UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 21 2011

OFFICE OF PETITIONS

**COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112**

In re Application of	:	
LEE	:	
Application No. 12/454,060	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. 6342/80471	:	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 27, 2011.

The request is **APPROVED**.

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

The request was signed by Norman H. Zivin 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 indicated below until otherwise properly notified by the applicant.

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

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

cc: SEOK AN LEE
204 HYUNDAI GRACE APT 374-68, NAMSAN-DONG
KUMJUNG-GU BUSAN REP. OF KOREA



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
12/454,060	05/12/2009	Seok An Lee	6342/80471

CONFIRMATION NO. 7812

POWER OF ATTORNEY NOTICE

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112



Date Mailed: 07/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/27/2011.

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

/dcgoodwyn/

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

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **976-157** Application Number (if known): **12/454,084** Filing date: **May 11, 2009**

First Named Inventor: **Johannes G. Wijmans**

Title: **EFFICIENT GAS SEPARATION PROCESS TO UPGRADE DILUTE METHANE STREAM FOR USE AS FUEL**

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 	Date September 28, 2011
Name (Print/Typed) Kathi Bean	Registration Number 36,644

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.

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

waste stream into useful fuel. The process may reduce the global warming potential (GWP) of the emissions seven-fold. See, for example, Paragraphs [0001], [0012], [0015], and [0039] - [0041].

Applicants agree to make an election without traverse in a telephonic interview with the Examiner and to elect an invention that meets the eligibility requirements of the Green Technology Pilot Program should the Office determine that the claims are not directed to a single invention. A Request for a First Action Interview is submitted herewith.

The application contains one (1) independent claim, sixteen (16) total claims, and no (0) multiple dependent claims.

The early publication fee under 37 CFR 1.18(d) of \$ 300 is provided for on the attached Fee Transmittal form.

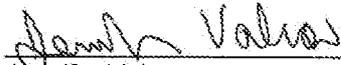
Applicants' agent can be reached at the telephone and fax numbers and e-mail address provided below.

Respectfully Submitted,



Kathi Bean
Registration No. 36,644
Membrane Technology and Research, Inc.
1360 Willow Road, Suite 103
Menlo Park, CA 94025
(510) 909-6653 (preferred)
(650) 543-3370
Fax Number: (650) 328-6580
kathi.bean@mtrinc.com

I hereby certify that this correspondence is being
electronically submitted to the U.S. Patent and Trademark
Office on
September 28, 2011.



Jennifer Valcov



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.
12/454,084	05/11/2009	Johannes G. Wijmans	976-157	4346
26909	7590	11/03/2011	EXAMINER	
MEMBRANE TECHNOLOGY AND RESEARCH INC. 1360 WILLOW ROAD SUITE 103 MENLO PARK, CA 94025-1516			SHUMATE, ANTHONY R	
			ART UNIT	PAPER NUMBER
			1776	
			MAIL DATE	DELIVERY MODE
			11/03/2011	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.



MEMBRANE TECHNOLOGY AND RESEARCH INC.
1360 WILLOW ROAD SUITE 103
MENLO PARK CA 94025-1516

NOV 03 2011

In re Application of :
Wijmans et al. : DECISION ON PETITION
Application No. 12/454,084 : TO MAKE SPECIAL UNDER
Filed: 5/11/2009 : THE GREEN TECHNOLOGY
Attorney Docket No. 976-157 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/28/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone 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 1776 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM, CA 92807

MAILED
APR 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Jaewoo Shim	:	
Application No. 12/454,103	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. SHIM-001	:	FROM RECORD
	:	

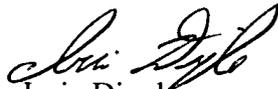
This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 15, 2011.

The request is **NOT APPROVED**.

The Request to Withdraw as Attorney or Agent was signed by Kirk Hermann. A review of the file record indicates that the attorney of record, Kirk Hermann, is (Not Active). 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-listed address until otherwise properly notified by the applicant.

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


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jaewoo Shim
Jeongj-dong Jeongja I-Park #2414
Seongnam-Si, Kyeonggi-do 463-987 Korea



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM, CA 92807

MAILED

MAY 25 2011

OFFICE OF PETITIONS

In re Application of :
Jaewoo Shim :
Application No. 12/454,103 :
Filed: May 12, 2009 :
Attorney Docket No. SHIM-001 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 4, 2011.

The request is **NOT APPROVED**.

The Request to Withdraw as Attorney or Agent was signed by Kirk Hermann. A review of the file record indicates that the attorney of record, Kirk Hermann, is (Not Active). 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-listed address until otherwise properly notified by the applicant.

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


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Kirk William Hermann
5661 Derby Court, #202
Alexandria, VA 22311



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET, SUITE 200
BELLEVUE, WA 98004

MAILED

MAR 14 2011

In re Application of :
Alexander J. Cohen et al :
Application No. 12/454,113 :
Filed: May 12, 2009 :
Attorney Docket No.: 0306A-003-039D-000000 :

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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

The request is **NOT APPROVED**.

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

The request is filed by Lewis C. Lee on behalf of the practitioners of record associated with Customer Number 49651.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since the Customer Number provided (55922) does not identify the intervening assignee of the entire interest or the first named inventor.

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

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Lewis C. Lee
601 W. Riverside Suite 1400
Spokane, WA 99201



UNITED STATES PATENT AND TRADEMARK OFFICE

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WHITEFORD TAYLOR & PRESTION, LLP
ATTN: GREGORY M. STONE
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of
Brett CAMERON, et al.
Application No. 12/454,128
Filed: May 13, 2009
Attorney Docket No. **081936/00011.2**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 10, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **WHITEFORD TAYLOR & PRESTION, LLP** has been revoked by the assignee of the patent application on January 26, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **MATTHEW J. BOOTH & ASSOCIATE, PLLC.**
C/O CPA GLOBAL
900 SECOND AVENUE SOUTH, SUITE 1560
MINNEAPOLIS, MN 55402



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : January 31, 2012

In re Application of :

Kathryn Roberts

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12454202

Filed : 14-May-2009

Attorney Docket No : 3933.1008-003

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 31, 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 1649 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	12454202
Filing Date	14-May-2009
First Named Inventor	Kathryn Roberts
Art Unit	1649
Examiner Name	DANIEL KOLKER
Attorney Docket Number	3933.1008-003
Title	METHODS OF TREATING FRAGILE X SYNDROME AND AUTISM

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	/Mary K. Murray, Reg. No. 47813/
Name	Mary K. Murray
Registration Number	47813



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PVF -- ORACLE AMERICA, INC.
C/O PARK, VAUGHAN, FLEMING &
DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of :
Gross et al. :
Application No. 12/454,226 : ON PETITION
Filed: 05/14/2009 :
Attorney Docket Number: SUN09-0190 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) to Accept Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on May 14, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

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

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners assert color drawings for Figures 3A and 3B are required to illustrate the multidimensional distributions in accordance with the claimed embodiments.

Petitioners' argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

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

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

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2857.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN VA 22101

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Patent No. 8,063,262 :
Samir S. Shibani : IN RESPONSE TO REQUEST
Issue Date: 11/22/2011 : FOR CERTIFICATE
Application No. 12/454,297 : OF CORRECTION
Filed: 05/15/2009 :
Docket No. INNOVATIVE ENGINEERING :

This is in response to the REQUEST FOR CERTIFICATE OF CORRECTION filed December 12, 2011. Patentee requests the issuance of a certificate of correction to correct the above-identified patent to indicate that subject to any disclaimer, the term of the patent is extended or adjusted by 1052 days. See 35 U.S.C. § 254 and 37 CFR 1.322.

The request is **DISMISSED**.

Patentee is advised that 37 CFR 1.705(d) provides the avenue before the Office for requesting reconsideration of the revised patent term adjustment indicated in the patent. See 37 CFR 1.702-1.705. Specifically, if the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must include the fee set forth in § 1.18(e) and a statement of the facts involved. See 37 CFR 1.705(b)(1)-(2) and (d).

In this instance, patentee did not submit the requisite fee set forth in 37 CFR 1.18(e) or a statement of the facts involved. The Office notes that payment of the fee is a prerequisite to consideration of the request for reconsideration of patent term adjustment.

If patentee seeks reconsideration of the patent term adjustment indicated in the patent, patentee must file a petition under 37 CFR 1.705(d) within two months from the date the patent issued (on or before Monday, January 23, 2012), pay the requisite petition fee, and include a statement of the facts involved in accordance with 37 CFR 1.705(b)(2). No extensions of this time period are permitted.

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

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

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

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

Correspondence may also be submitted electronically via the Electronic Filing System.

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MAILED

JAN 27 2012

OFFICE OF PETITIONS

JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN VA 22101

In re Patent No. 8,063,262 : DECISION ON REQUEST FOR
SAMIR S. SHIBAN : RECONSIDERATION OF
Issue Date: November 22, 2011 : PATENT TERM ADJUSTMENT
Application No. 12/454,297 :
Filed: May 15, 2009 :
Title: Hazardous Gas Abatement:
Method :

This is a decision on the "RENEWED REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT" filed January 20, 2012, which is being treated as a petition under 37 CFR 1.705(d). Patentee requests that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand fifty-two (1052) days.

The request for reconsideration of the patent term adjustment calculation is **DISMISSED**.

On May 15, 2009, Application No. 12/454,297 matured into Patent No. 8,063,262. The present request for reconsideration was timely filed on January 17, 2011, within two months of the date the patent issued. See 37 CFR 1.705(d). The patent issued with a Patent Term Adjustment of 391 days.

In the present petition, patentee asserts:

Patent 8,063,262 is a divisional patent which should have the same expiration date as the parent Patent

7,534,399. 1052 days were added to Patent 7,534,399. Both the parent Patent 7,534,399 and divisional Patent 8,063,262 should expire on the same day in 2027.

i. The correct patent term adjustment is 1052 days.

ii. The term of the divisional Patent 8,063,262 should expire on the same date as the parent Patent 7,534,399.

iii. Neither patent is subject to a terminal disclaimer.

iv. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination.

Petition, 01/20/12, pp. 1-2.

A review of the application history reveals that the Office was assessed 391 days of delay pursuant to 37 CFR 1.702(a)(1) for the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), July 16, 2010, and ending on the date of mailing of the notification under 35 U.S.C. 132 (Notice of Allowance), August 10, 2011. There were no circumstances for which applicant failed to engage in reasonable efforts to conclude processing or examination of an application. Thus, the period of adjustment of the term of a patent was not reduced for any applicant delay. The record does not indicate that there are any grounds for adjustment of the patent term by an additional 661 days due to examination delay.

In view of thereof, the patent properly issued with a patent term adjustment of 391 days (391 days of "A Delay" + 0 days of "B Delay" - 0 days of overlap - 0 days of applicant delay).

With regards to Patent No. 7,534,399, the patent issued with a revised Patent Term Adjustment of 1052 days. A review of the application history reveals that the Office was assessed 1053 days of delay pursuant to 37 CFR 1.702(a)(1) for the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), May 11, 2005, and ending on the date of mailing

of the notification under 35 U.S.C. 132 (Restriction Requirement), March 28, 2008. The determination of patent term adjustment of 1053 days indicated in the Notice of Allowance was reduced by 1 day pursuant to 37 CFR 1.704(b) for submission of the issue fee and publication fee on April 6, 2009, three months and one day after the mailing of the Notice of Allowance on January 5, 2009.

The Office notes that the grounds for adjustment of the patent term due to examination delay and the bases for reduction of the period of adjustment of the patent term for applicant delay differed between Application No. 12/454,297 (Patent No. 8,063,262) and Application No. 10/796,120 (Patent No. 7,534,399), and thus, resulted in differing determinations of the total days of patent term adjustment.

Accordingly, the revised patent term adjustment indicated in Patent No. 8,063,262 will remain 391 days.

The Office acknowledges the submission of the \$200.00 fee set forth in 37 CFR 1.18(e). The petition fee will not be refunded as it is necessary for consideration of the present petition.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BOULEVARD, SUITE 300
ROSEVILLE CA 95661

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert C. Lenny	:	
Application No. 12/454,302	:	DECISION ON PETITION
Filed: May 15, 2009	:	TO WITHDRAW
Attorney Docket No. 09028.001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 19, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Bradley P. Heisler or any attorneys/agents associated with Heisler & Associates does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

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



JoAnne Burke
Petitions Examiner
Office of Petitions



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**COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112**

**MAILED
JUL 21 2011
OFFICE OF PETITIONS**

In re Application of :
Sang In Lee :
Application No. 12/454,311 : **DECISION ON PETITION**
Filed: May 14, 2009 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. 6342/80480 :
:

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 5, 2011.

The request is **APPROVED**.

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

The request was signed by Norman H. Zivin on behalf of all attorneys of record.

All attorneys/agents associated with the above-identified application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Currently, there is an outstanding Office action mailed December 23, 2010 that requires a reply.

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Sang In Lee
104-901, Will APT, Sinho-Dong
GangSeo-Gu, Busan Rep. of Korea



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.
12/454,312	05/15/2009	David Arthur Blum	15192/183	7853
26646	7590	04/08/2011	EXAMINER	
KENYON & KENYON LLP			BERTRAM, ERIC D	
ONE BROADWAY			ART UNIT	PAPER NUMBER
NEW YORK, NY 10004			3766	
			MAIL DATE	DELIVERY MODE
			04/08/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Kenyon & Kenyon LLP
Attention: Aaron Grunberger
One Broadway
New York, NY 10004

In re Application of: Blum, David et al.
Application No. 12/454,312
Filed: May 15, 2009

For: CLINICIAN PROGRAMMER
SYSTEM AND METHOD FOR
CALCULATING VOLUMES OF
ACTIVATION FOR MONOPOLAR
AND BIPOLAR ELECTRODE
CONFIGURATIONS

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

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed May 15, 2009 requesting acceptance of color drawings. The petition requests that all the drawings, which are in color, be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, an explanation of why the color drawings are necessary, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings: *"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed without an explanation as to why the color drawings are the only practical medium for illustrating aspect's of the patent's invention. There is nothing in the claims that discusses colored aspects of the invention so there is no prima facie case for having color drawings. No further explanation was given by the applicant.

Applicant's submission does not meet all the criteria set out above. Accordingly, the petition is **DENIED**.

/Carl H. Layno/
Carl H. Layno
Supervisory Patent Examiner, Technology Center 3700
(571) 272-4949



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.
12/454,314	05/15/2009	Troy Sparks	15192/186	2462
23838	7590	06/24/2011	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			KIM, EUNHEE	
			ART UNIT	PAPER NUMBER
			2123	
			MAIL DATE	DELIVERY MODE
			06/24/2011	PAPER

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

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



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Commissioner for Patents
United States Patent and Trademark Office
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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of:
SPARKS, Troy et al.
Application No. 12/454,314
Filed: May 15, 2009
For: **CLINICIAN PROGRAMMER SYSTEM
AND METHOD FOR GENERATING
INTERFACE MODELS AND DISPLAYS OF
VOLUMES OF ACTIVATION**

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

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on May 15, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 3a-3j, 11, 12, 14-16 and 23-26 be accepted in lieu of black and white drawings.

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

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

The petition was filed with the required fee and was filed with three (3) sets of color drawing Figures 3a-3j, 11, 12, 14-16 and 23-26. Paragraph [25] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

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

Eddie C. Lee

Eddie C. Lee
Quality Assurance Specialist, TC 2100



UNITED STATES PATENT AND TRADEMARK OFFICE

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KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

MAILED

JAN 12 2011

OFFICE OF PETITIONS

Applicants: Baker, et al.

Appl. No.: 12/454,319

Filing Date: May 15, 2009

Title: SOLAR SYSTEMS THAT INCLUDE ONE OR MORE SHADE-TOLERANT
WIRING SCHEMES

Attorney Docket: SEI0034/US

Pub. No.: US 2010/0032004 A1

Pub. Date: February 11, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 24, 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



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.
12/454,330	05/15/2009	David Arthur BLUM	15192/182	7095
23838	7590	06/03/2011	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			HELLER, TAMMIE K	
			ART UNIT	PAPER NUMBER
			3766	
			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.



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Aaron Grunberger
KENYON & KENYON, LLP
One Broadway
New York, New York 10004

In re Application of: David Arthur BLUM et al
Appl. No.: 12/454,330 (Atty.Dkt.#14419/182) : DECISION ON PETITION UNDER 37
Filed: May 15, 2009 : CFR 1.84(B)(2) TO
: ACCEPT COLOR DRAWINGS
For: CLINICIAN PROGRAMMER :
SYSTEM AND METHOD FOR
CALCULATING VOLUMES OF
ACTIVATION

This is a decision on the petition under 37 CFR 1.84(B)(2), filed on May 15, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figs.1-27, although not specifically identified but noted as, Figures 3a-3j, 11, 12, 14-16, and 23-26 be accepted in lieu of black and white drawings.

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

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

The petition was filed with the required fee and 3 (three) sets of color drawings of figures 1-27. The specification at page 8, paragraph [25], lines1-3 did contain the required notification described above. This application is being forwarded to Central files to await examination based upon its filing date.

The petition is GRANTED.

/Carl H. Layno/
Carl H. Layno
SPE, Art Unit 3766
Technology Center 3700



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Benjamin Aaron Adler
ADLER & ASSOCIATES
8011 Candle Lane
Houston TX 77071

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of :
Ruilang Lu et al. :
Application No. 12/454,332 : DECISION ON PETITION
Filed: May 15, 2009 :
Attorney Docket No. D6919 :

This is a decision on the petition, filed June 14, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Missing Parts action mailed on June 23, 2009. A Notice of Abandonment was mailed on June 4, 2010.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on August 14, 2009 of, *inter alia*, sequence listing, surcharge, and a Combined Declarations and Powers of Attorney. A copy of the previously submitted reply accompanies the petition.

The response acknowledged as having been received in the USPTO on August 14, 2009, is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply was timely received in the USPTO but lost after receipt thereof.

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

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on August 14, 2009.

In view of the above, the Notice of Abandonment is hereby **VACATED** and the holding of abandonment **WITHDRAWN**.

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

This application is being referred to the Office of Patent Application Processing (OPAP) for appropriate action in the normal course of business on the reply received August 14, 2009.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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BENTON F. BAUGH
19210 Cohen Green Lane
HOUSTON, TX 77094

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of Baugh :
Application No. 12/454,356 : Decision on Petition
Filing Date: May 18, 2009 :
For: Method for Transportation of :
CNG or Oil :

This is a decision in response to the papers filed February 25, 2010, which are being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The request for reconsideration should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Facts

The Office mailed a Notice to File Corrected Application Papers on June 5, 2009. The notice stated replacement drawings were required. The notice stated the drawings were not acceptable for two reasons. The second reason provided in the notice read as follows:

[All the figures] contain figure or view numbers that have incorrect orientation. Reference characters, sheet numbers, and view numbers must be oriented in same direction as the view.

The June 5, 2009 notice set a two-month extendable period for reply.

A new set of drawings was filed July 25, 2009.

The Office mailed a Notice of Incomplete Reply on July 31, 2009, stating the drawings filed July 25, 2009, were not a proper reply to the June 5, 2009 notice. The notice indicated the drawings filed July 25, 2009, were not acceptable because all the figures filed July 25, 2009 "contain figure or view numbers that have incorrect orientation."

The Notice of Incomplete Reply did *not* set a new time period for reply and the time period set forth in the June 5, 2009 continued to run.

A new set of drawings was filed September 8, 2009.

The papers filed September 8, 2009, did not include a request for an extension of time or payment for an extension of time.

The Office mailed a Notice of Incomplete Reply on November 30, 2009. The notice stated, with emphasis in the original,

Applicant's reply to the Notice mailed on 06/06/09 was received in the U.S. Patent and Trademark Office on 09/08/09. The reply, however, was received after the expiration of the period for reply set forth in the Notice. The application will become **abandoned** unless applicant obtains an extension of the period for reply.

The November 30, 2009 notice was mailed to the address of record which is the address associated with Customer No. 60193. As of November 30, 2009, the address associated with Customer No. 60193 was as follows: Benton F. Baugh, 14626 Oak Bend, Houston, TX 77079.

The United States Postal Service ("USPS") returned the November 30, 2009, undelivered on December 2, 2009. The envelope includes language added by the USPS stating, "FORWARD TIME EXP RTN TO SEND" and "RETURN TO SENDER."

On an unknown date between November 30, 2009, and February 5, 2010, petitioner changed the address associated with Customer No. 60193 to Benton F. Baugh, 19210 Cohen Green Lane, Houston, TX 77904.

The Office mailed a Notice of Abandonment on February 5, 2010.

Petitioner filed a "Transmittal Form" on February 25, 2010. The form includes the following language:

Request Holding of Abandonment
Properly Filed Package is Attached
Stamped Post Card is Attached
Another Set of Drawings are
Attached

The Office has chosen to treat the transmittal form as a petition under 37 CFR 1.181 to withdrawn the holding of abandonment.

Discussion

Since petitioner received the Notice to File Corrected Application Papers mailed June 5, 2009, the instant petition is only grantable if a *proper reply was timely filed* in response to the notice.

Absent payment for an extension of time, a reply was due on or before August 5, 2009. A reply was filed July 25, 2009. Therefore, the reply filed July 25, 2009 was timely. However, the July 25, 2009 reply was not a proper reply.

A reply was also filed on September 8, 2009, which is beyond the two-month time limit set forth in the June 5, 2009 notice. The reply would have been timely if accompanied by payment for a one-month extension of time.¹ The reply was not filed with payment for any extension of time. Therefore, the reply was untimely.

A proper *and* timely reply was not filed in response to the June 5, 2009 notice. Therefore, the application was properly held abandoned. Since an extension of time was never obtained, the application became abandoned on August 6, 2009.

In view of the prior discussion, the application is abandoned and the petition is dismissed.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee (\$810 for a small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A copy of a 37 CFR 1.137(b) form is attached. A copy of a PDF "fillable" petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064_fill.pdf.

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

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

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

¹ The transmittal letter filed with the drawings included a certificate of mailing dated September 2, 2009. However, only a one-month extension would have been necessary even in the absence of the certificate. September 5, 2009, was a Saturday, September 6, 2009, was a Sunday, and September 7, 2009, was a federal holiday.

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

Attached: Form PTO/SB/64 (Petition Under 37 CFR 1.137(b))
Privacy Act Notice



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BENTON F. BAUGH
19210 Cohen Green Lane
HOUSTON TX 7709

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of :
Frederick Benton Baugh :
Application No. 12/454,356 : **DECISION ON PETITION**
Filed: May 18, 2009 :
Attorney Docket No. 12/454,356 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed June 5, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 6, 2009. A Notice of Abandonment was mailed on February 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

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

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received September 8, 2009.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Leason Ellis LLP
81 Main Street
Suite 503
White Plains NY 10601

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Application of :
Gregory R. Collins et al. :
Application No. 12/454,361 : **DECISION ON PETITION**
Filed: May 15, 2009 :
Attorney Docket No. 0179/0841-US2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed October 18, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment was November 19, 2010. A Notice of Abandonment was mailed on June 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and election, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the amendment election is accepted as being unintentionally delayed.

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

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

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

This application is being referred to Technology Center AU 1777 for appropriate action by the Examiner in the normal course of business on the reply received August 12, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

SEP 28 2010

OFFICE OF PETITIONS

In re Application of :
Tutone : DECISION ON PETITION
Application No. 12/454,364 :
Filed/Deposited: 21 December, 2006 :
Attorney Docket No. Q98929 :

This is a decision on the petition filed on 13 August, 2010, pursuant to 37 C.F.R. §1.47.

NOTE: Petitioner has chosen to place in the statement of a third party, one not registered to practice before the Office, the statement of the reasonably believed to be last known/current/valid address of the non-signing inventor (through her Counsel).

The Office construes this submission to be an affirmation on the part of Petitioner that he has made proper inquiry to satisfy himself as to that statement.

If Petitioner has not made such an inquiry he **must** do so.¹ Should that inquiry produce results that suggest to Petitioner that the earlier statement by the third party might be in error, Petitioner **must** so immediately Notice the Office.

The petition under 37 C.F.R. §1.47(b) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(b) requires: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage.

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. 12/454,364

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

BACKGROUND

The record indicates:

The instant application was filed on 21 December, 2006, without, *inter alia*, a fully executed oath/declaration.

It appears that the Office did not mail at that time a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required, however, such Notice was mailed on 12 August, 2009, recalled and re-mailed on 13 August, 2009.

On 16 February, 2010, Petitioner Alan J. Kasper (Reg. No. 25,426) filed, *inter alia*, a request and fee for extension of time, a petition pursuant to 37 C.F.R. §1.47 with, *inter alia*, an oath/declaration executed by Alex John, an averred officer (with authority to sign) of the averred assignee in the place of the non-signing inventor(s); a statement of transmission of an oath/declaration and correspondence that somewhat conflicts and is unclear as to whether a complete copy of the application, declaration, was transmitted to the non-signing inventor(s); with a statement/showing proprietary interest and of irreparable damage. (See MPEP §409.03, and §409.03(a)). Thus, the lack of clarity remained as to the transmission of the entire application—description, claims, abstract and drawings—to the non-signing inventor, directly and/or through her Counsel, and the petition was dismissed on 14 April, 2010.

On 13 August, 2010, Petitioner filed, *inter alia*, a request and fee for extension of time, and re-advanced the petition pursuant to 37 C.F.R. §1.47 now with, *inter alia*, a showing of transmission of the entire application (description, claims, abstract, drawing(s)) to the non-signing inventor (through Counsel) and the the non-signing inventor failed to sign/join in the oath/declaration, construed as a constructive refusal to sign/join. Thus, Petitioner appeared to have completed the requirements of a grantable petition pursuant to 37 C.F.R. §1.47(b), to wit: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses—including constructive refusal—to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage.

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,

Application No. 12/454,364

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.²

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. §1.2³) 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 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.

³ 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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CHRISTINA TUTONE
C/O COUNSEL
DEREK LIPPNER
PRINCIPAL
HDL LEGAL AND CONSULTING
LEVEL 3, 145 FLINDERS LANE
MELBOURNE VIC 3000
AUSTRALIA

MAILED

SEP 28 2010

OFFICE OF PETITIONS

In re Application of
Tutone :
Application No. 12/454,364 :
Filed/Deposited: 21 December, 2006 :
Attorney Docket No. Q98929 :
: COMMUNICATION

Dear Christina Tutone:

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

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

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

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

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the

Application No. 12/454,364

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 action(s) 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
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

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



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January 25, 2012
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of :
MARSHALL, MICHAEL CRAIG ET AL : **DECISION ON PETITION**
Application No. 12/454,368 :
Filed: 05/15/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 04314.0105USU1 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 15, 2009..

The petition is **GRANTED**.

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

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

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

The petition was accompanied by all of the requirements above. Therefore, the petition is **GRANTED**.

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

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



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Glen Max Francis
209 Footstone Lane
Winchester VA 22603

MAILED

APR 21 2011

OFFICE OF PETITIONS

Applicant: Francis :
Application No. 12/454,414 :
Filed: May 18, 2009 : Decision on
For: LOW MECHANICAL IMPACT : Petition
DETACHABLE DISPLAY :

This is a decision in response to the Nonpublication Request received on July 6, 2009, letter received on December 7, 2010, which is being treated as a petition requesting that the Nonpublication Request be approved and that the application not be published and email received on April 20, 2011.

Applicant's request is essentially a petition for suspension or waiver of the rules under 37 CFR 1.183, which requires a petition fee (currently \$400). The rules and statutory provisions governing the operations of the USPTO require payment of a fee on filing each petition. See 35 U.S.C. § 41(a)(7). The petition fee \$400 required for a petition under 37 CFR 1.183 has not been paid.

Applicant's request cannot be granted.

35 U.S.C. 122(b) requires the United States Patent and Trademark Office to publish utility and plant applications filed on or after November 29, 2000, unless, on filing, applicant requested nonpublication with the required certification. The statute also permits the Office to publish applications filed before November 29, 2000, when applicant requests publication of such an application.

To avoid pre-grant publication of a patent application, applicant must certify that the invention disclosed in the application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing. See 35 U.S.C. 122(b)(2)(B)(I) and 37 CFR 1.213.

Applicant did not file the application with a nonpublication request in compliance with the statute and the application published on November 18, 2010 as US 2006/0290212 A1. While Applicant may have intended for the application to not be published, the nonpublication request was received on July 6, 2009, which is after the filing date of the application. The Office has no statutory authority to accept a nonpublication request received after the filing date of an

application.

Applicant did not file the application with a nonpublication request and the application is not subject to a secrecy order, so therefore the application was properly published in accordance with established procedure,

The Office has no statutory authority to withdraw a properly published patent application publication.

In accordance with Office policy MPEP 502.03:

Without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate patent application.

A copy of Applicant's email is being placed in the file.

Telephone inquiries regarding this communication should be directed the undersigned at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'M. Polutta', with a long horizontal line extending to the right.

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



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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HARNESS, DICKEY & PIERCE,
P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED

APR 09 2012

OFFICE OF PETITIONS

**In re Application of
AUNG et al.
Application No.: 12/454,418
Filed: May 18, 2009
Attorney Docket No.: 4041J-
001585/US
For: EVAPORATOR UNIT**

**: 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 January 9, 2012, to make the above-identified application special.

The request and petition are **DENIED**.

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

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

The request to participate in the PPH pilot program and petition fails to meet condition (4) above.

Regarding the requirement of condition (4), the Ex Parte Quayle action was mailed on March 22, 2012. Therefore, since examination of the U.S. application has begun, the request filed January 9, 2012, to make the above-identified application special cannot be granted and is hereby **DENIED**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke (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>.



Anthony Knight
Director
Office of Petitions



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

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

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Feerer et al.	:	DECISION ON PETITION
Application No. 12/454,481	:	TO WITHDRAW
Filed: May 18, 2009	:	FROM RECORD
Attorney Docket No. FEERER-002	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 21, 2010.

The request is **NOT APPROVED**.

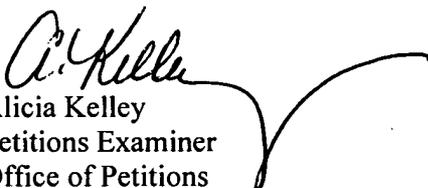
The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether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

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

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

There are no outstanding Office actions that require a reply.

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


Alicia Kelley
Petitions Examiner
Office of Petitions



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Urania Juang
266 E. Gish Road
San Jose, CA 95112

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of

Arkady Feerer

Application No. 12/454,481

Filed: May 18, 2009

Attorney Docket No. 46472.4

:
:
:
:
:
:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

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

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

A review of the file record indicates that the power of attorney to all attorneys/agents associated with customer number 88283 has been revoked by the assignee of the patent application on November 10, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Haynes and Boone, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219



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MAILED
OCT 29 2010
OFFICE OF PETITIONS

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

In re Application of	:	
Feerer et al.	:	DECISION ON PETITION
Application No. 12/454,502	:	TO WITHDRAW
Filed: May 19, 2009	:	FROM RECORD
Attorney Docket No. FEERER-001	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 21, 2010.

The request is **NOT APPROVED**.

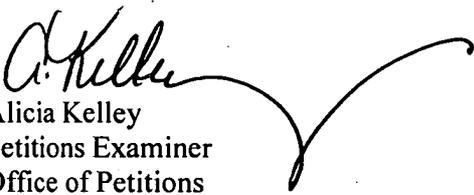
The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether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

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

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

There are no outstanding Office actions that require a reply.

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


Alicia Kelley
Petitions Examiner
Office of Petitions



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

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application.	:	
Feerer et al.	:	DECISION ON PETITION
Application No. 12/454,502	:	TO WITHDRAW
Filed: May 19, 2009	:	FROM RECORD
Attorney Docket No. 46472.3	:	

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

The request is **DISMISSED** as moot.

A review of the file record indicates that a Revocation and new Power of Attorney was filed on November 10, 2010, by the assignee. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not necessary and therefore, moot.

All future communications from the Office will be directed to the current correspondence address of record until otherwise notified by applicant.

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


Alicia Kelley
Petitions Examiner
Office of Petitions



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**KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM CA 92807**

**MAILED
APR 28 2011
OFFICE OF PETITIONS**

In re Application of :
Jaewoo Shim :
Application No. 12/454,506 : **DECISION ON PETITION**
Filed: May 19, 2009 : **TO WITHDRAW FROM RECORD**
Attorney Docket No. SHIM-002 :
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 15, 2011.

The request is **APPROVED**.

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

The request was signed by Kirk William Hermann on behalf of all attorneys of record. Accordingly, all attorneys/agents of record have been withdrawn.

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

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Jaewoo Shim
Jeongj-dong Jeongja I-Park #2414
Seongnam-Si, Kyeonggi-do 463-987 Korea



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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.
12/454,512	05/19/2009	Michael R. Scacrist	28744-3167 (051050.7)	6183
76681	7590	10/31/2011	EXAMINER	
Richard A. Schuth (MEMC) Armstrong Teasdale LLP 7700 Forsyth Boulevard Suite 1800 St. Louis, MO 63105			MONTALVO, EVA Y	
			ART UNIT	PAPER NUMBER
			2814	
			NOTIFICATION DATE	DELIVERY MODE
			10/31/2011	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



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Commissioner for Patents
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DECISION ON PETITION

Richard A. Schuth (MEMC)
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105
UNITED STATES

OCT 31 2009

In re Application of
Seacrist
Serial No.12/454,512
Filed: 05/19/09

For: METHODS FOR PREPARING A SEMICONDUCTOR STRUCTURE FOR USE IN BACKSIDE
ILLUMINATION APPLICATIONS

This is a decision on the request for acceptance of color drawings under 37 C.F.R. §§ 1.84(a)(2) and (b)(2) filed May 19, 2009.

The petition has been reviewed and it is found to be in compliance with the requirements as set forth in 37CFR §§1.84 (a)(2) and b (2). Black and white copies of the color drawings are provided in the application and triplicates of the color drawings of each figure have also been provided. The Brief Description of the Drawings section of the specification is amended to insert as the first paragraph to state

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

The required fee for the petition has been paid.

PETITION GRANTED.

Wael Fahmy
Supervisory Patent Examiner
Art Unit 2814



UNITED STATES PATENT AND TRADEMARK OFFICE

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

June 6, 2011

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of :
Min Won Lee et al. : **DECISION ON PETITION**
Application No. 12454520 :
Filed: 5/19/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 50413/038001 : **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) December 28, 2009.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch



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VARNUM, RIDDERING, SCHMIDT & HOWLETT LLP
333 BRIDGE STREET, NW
P.O. BOX 352
GRAND RAPIDS MI 49501-0352

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of : DECISION
Karl Boehler : ON PETITION
Application No. 12/454602 :
Filing or 371(c) Date: 05/20/2009 :
Title of Invention: :
Precision-S2 P2US2-CON :

This is a decision on the "Petition for Revival of an Application for Patent Abandoned Unintentionally Under Petition Under 37 C.F.R. 1.137(b)," filed March 29, 2009.

The petition is granted.

Background

Application papers were filed in the above-identified application on May 20, 2009. On November 15, 2007, the Office of Patent Application Processing mailed a Notice of Omitted item(s) in a Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had been accorded a filing date; however, Figure 5 described in the specification appeared to have been omitted from the application.

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

This application is being referred to the Office of Patent Application Processing ("OPAP") for continued processing in due course.

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

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions



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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.
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12/454,633	05/19/2009	Bran Ferren	SE1-0003C6-US	1782
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80118 7590 05/25/2011

Constellation Law Group, PLLC

P.O. Box 220

Tracyton, WA 98393

EXAMINER

FAHERTY, COREY S

ART UNIT	PAPER NUMBER
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2183

MAIL DATE	DELIVERY MODE
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05/25/2011

PAPER

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

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



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Constellation Law Group, PLLC
P.O. Box 220
Tracyton WA 98393

In re Application of :
Brian FERREN et al. :
Application No. 12/454,633 : ON PETITION
Filed: May 19, 2009 :
Attorney Docket No. SE1-0003C6-US :

This is in response to the petition under 37 CFR 1.182, filed February 25, 2011, which is being treated as a petition for supervisory review under 37 CFR 1.181.

The petition is **DISMISSED**.

The relief requested in applicants' petition is that the examiner be instructed to consider references submitted in prior applications and for those references to be listed on the face of the patent. The relief requested by applicants, supervisory review of the examiner's work, is specifically provided for in the rules under 37 CFR 1.181(a)(3) and thus resort to 37 CFR 1.182, "Questions Not Specifically Provided For", is not proper.

Background

The present application is a continuation of three separate applications: 11/214,458; 11/214,449; and 11/214,459. During the prosecution of the present application, applicants did not submit any references for consideration. In response to the initial filing, the examiner issued a Notice of Allowability on February 7, 2011 and attached form PTO-892, "Notice of References Cited" which listed four U.S. Patents and two non-patent documents.

Relief Requested

Applicants request that the examiner be instructed to consider the references cited during the prosecution of the parent applications. In support of this contention, applicants point to the Manual of Patent Examining Procedure (MPEP) and state that the MPEP, "contains conflicting provisions regarding whether references considered by the examiner during prosecution of the Application will be listed on the face of the patent". As stated by applicants:

4. Applicant hereby petitions the Director to follow MPEP §705.05 [sic: 707.05] and MPEP § 1302.12, and to list the references considered by the examiner on the face of the patent issuing from the Application, those being the references submitted in the three parent applications, and to disregard conflicting provisions of MPEP §609.02.

Applicants' citation to 705.05(a) is incorrect; it should be 707.05(a). The petition has been read accordingly. Applicants argue that MPEP §707.05(a) requires: "In the rare instance where no art is cited in a continuing application, all the references cited during the prosecution of the parent application will be listed at allowance for printing in the patent." Further, applicants argue that MPEP §1302.12 has the exact same requirement. Applicants argue that MPEP §609.02 is in conflict §707.05(a) and §1302.12. Paragraph 8 of the petition quotes MPEP §609.02 and states that:

8. ... When filing a continuing application that claims benefit under 35 U.S.C. 120 to a parent application ... it will not be necessary for the application [sic: applicant] to submit an information disclosure statement in the continuing application that lists the prior art cited by the examiner in the parent application *unless the applicant desires the information to be printed on the patent issuing from the continuing application[.]* (underlining in original, emphasis petitioners')

Applicants' argument is that MPEP §§707.05(a) and 1302.12 require that examiner list the references cited in the parent applications and MPEP §609.02 should be disregarded since applicants believe that it is in conflict with the two other provisions of the MPEP.

Decision

Applicants' arguments have been fully considered and a thorough review of the record has been made. Petitioner's contention that there is a conflict between provisions of the MPEP is misplaced.

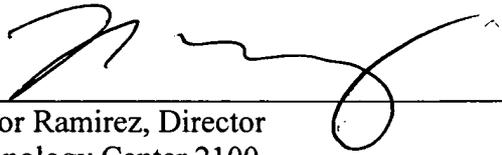
As set forth in MPEP §§ 707.05(a) and 1302.12, "[i]n the rare instance where no art is cited in a continuing application, all the references cited during the prosecution of the parent application will be listed at allowance for printing in the patent" (emphasis added) . Thus, the operative part of the sentence is that "no art is being cited by the examiner". In the present application, the examiner has cited four U.S. patents and two non-patent documents. Thus the examiner considered the references cited herein to be the most pertinent to the present application. Therefore, MPEP §§ 707.05(a) and 1302.12 are not applicable to the present situation.

MPEP §609.02 permits an applicant to not submit references in a continuing application unless "applicant desires the information to be printed on the patent issuing from the continuing application". If applicant desires the references to be listed on the face of the patent then an information disclosure statement must be filed in accordance with 37 CFR 1.97 and 1.98. As MPEP §609.02 states, if applicant wants the references listed on the face of the patent then applicant must submit an information disclosure statement. Thus MPEP §609.02 is not in conflict with §§707.05(a) and 1302.12. The references cited by the examiner will be printed

upon the face of the patent. Furthermore, upon review of the facts, the examiner has complied with the guidance set forth in the MPEP. Therefore, applicants' request that the examiner be instructed to consider the references from the patent applications is dismissed.

This application is being returned to the Office of Patent Application Processing for issuance as a patent.

Telephone inquiries related to this decision may be directed to Mano Padmanabhan at (571) 272-4210.

A handwritten signature in black ink, appearing to read 'N. Ramirez', is written over a horizontal line.

Nestor Ramirez, Director
Technology Center 2100
Computer Architecture, Software, and Information Security

NRR/MP



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MARY KAY BACALLAO
160 BRANDENBURG WAY
FAYETTEVILLE GA 30215

MAILED

SEP 12 2011

In re Application of	:	
Fanning	:	OFFICE OF PETITIONS
Application No. 12/454,638	:	DECISION ON PETITION
Filed: May 21, 2009	:	
Title: MATH LEARNING PUZZLES FOR	:	
GEOMETRY, MEASUREMENT, AND	:	
NUMBER SENSE	:	

This is a decision on the petition filed August 29, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition to withdraw the holding of abandonment is **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.

This above-identified application became abandoned for failure to timely file a reply to a restriction requirement mailed January 3, 2011. The Office Action set a one (1) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on February 4, 2011. A Notice of Abandonment was mailed on July 21, 2011.

Petitioner contends that a reply to the January 3, 2011 restriction requirement was submitted on January 13, 2011. In support of petitioner's contention a copy of the reply and certified mail receipt has been provided.

Pursuant to 37 CFR 1.8:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to

§ 1.957(a), the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
 - (2) Supplies an additional copy of the previously mailed or transmitted correspondence and **certificate**; and
 - (3) Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.
- (c) The Office may require additional evidence to determine if the correspondence was timely filed.

A review of the record shows that the Office is not in receipt of the response purportedly mailed on January 13, 2011. The copy of the response submitted on July 28, 2011 does not include a certificate of mailing pursuant to 37 CFR 1.8.¹ As such, the date that the response was received in the Office was outside of the reply period. On petition, petitioner has provided a certified mail receipt for the July 28, 2011 mailing, however no evidence has been provided for the January 13, 2011 mailing. The submission of the certified mail receipt without a certificate of mailing pursuant to 37 CFR 1.8 cannot result in the withdrawal of the abandonment.

If petitioners cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioners should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which

¹ A suggested format for a Certificate of Mailing and a Certificate of Transmission under 37 CFR 1.8 to be included with the correspondence is reproduced below.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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

on _____.

(Date)

Typed or printed name of person signing this certificate

Signature _____



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.
12/454,660	05/21/2009	Gabriel Popescu	2895/138	5682

7590 01/31/2012
Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

LYONS, MICHAEL A

ART UNIT	PAPER NUMBER
2877	

NOTIFICATION DATE	DELIVERY MODE
01/31/2012	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 27, 2012

Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON MA 02110-1618

Re Application of
POPESCU, GABRIEL., ET AL.
Application: **12/454660**
Filed: **05/21/2009**
Attorney Docket No: **2895/138**

: DECISION ON PETITION
: ACCEPTANCE OF COLOR
: DRAWINGS

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 21, 2009.

The petition is **GRANTED**.

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

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

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

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



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Alexandria, VA 22313-1450
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**CHARLES EDISON SMITH
105 GETAWAY LANE
BAHAMA NC 27503-9647**

**MAILED
MAY 09 2011
OFFICE OF PETITIONS**

In re Application of :
LEDBETTER, Freeman Hillyard :
Application No. 12/454,667 : **DECISION ON PETITION**
Filed: May 21, 2009 : **TO WITHDRAW**
Attorney Docket No. **LEFH5001CES** : **FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 2011.

The request is **APPROVED**.

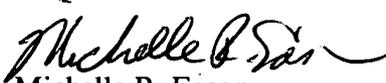
A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they 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 Charles Edision Smith, the sole attorney of record. Charles Edision Smith has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

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

There is an outstanding Office action mailed February 25, 2011 that requires a reply from the 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: **FREEMAN HILLYARD LEDBETTER**
4 JUA VALLEY DRIVE
DURHAM, NC 27707



UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 403
NEW YORK NY 10038

MAILED

JAN 05 2012

OFFICE OF PETITIONS

In re Application of	:	
Tung	:	
Application No. 12/454,688	:	
Filed: May 21, 2009	:	DECISION ON PETITION
Attorney Docket No. 18086 B	:	UNDER 37 C.F.R. § 1.181(A)
(AP-4244)	:	
Title: SCUPPER JOINT FOR SHIP	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on December 19, 2011.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed May 25, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on August 26, 2011. A notice of abandonment was mailed on December 6, 2011.

With the present petition, Petitioner has asserted that a response was timely submitted on August 25, 2011, and has included, *inter alia*, a copy of the response that was submitted on this date.

The copy of the response has been reviewed by the undersigned, and it is clear that it was originally received by the Office on August 29, 2011.¹ It is equally clear why this amendment was not matched with the electronic file that is associated with the present application - as Petitioner has explained with this petition, the wrong serial number was placed on the first page

¹ The submission contains a certificate of mailing dated August 25, 2011.

of the response. As such, the amendment was associated with application number 12/456,688.

Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The submission of August 29, 2011 will be removed from the electronic file associated with application number 12/456,688, and placed into the electronic file associated with the present application in due course.

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 response to the non-final Office action that was received on August 29, 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 withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in 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 the status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

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



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FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1631

MAILED
MAY 3 1 2011
OFFICE OF PETITIONS

In re Application of :
Uwe Messerschmid :
Application No. 12/454,727 : **NOTICE**
Filed: May 21, 2009 :
Attorney Docket No. 5000 . P0203US :

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

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



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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.
12/454,766	05/22/2009	Manuel V. Borca	0096.08	7389

7590 10/26/2011
USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE, MD 20705-5131

EXAMINER

LI, BAO Q

ART UNIT	PAPER NUMBER
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1648

MAIL DATE	DELIVERY MODE
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10/26/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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October 25, 2011

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

In re Application of	:	
Borca, Manuel V.et.al	:	DECISION ON PETITION
Application No. 12/454,766	:	
Filed: 05/22/2009	:	ACCEPTANCE OF COLOR
Attorney Docket No. 0096.08	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 22, 2009.

The petition is **GRANTED**.

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

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

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

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

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



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David J Bolduc
Face International Corporation
427 West 35th Street
Norfolk VA 23508

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of :
Bradbury R. Face, et al. :
Application No. 12/454,831 : DECISION ON PETITION
Filed: May 22, 2009 :
Attorney Docket No. SVC85 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 19, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. A three (3) month extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 20, 2010. The Notice of Abandonment was mailed July 9, 2010.

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

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

This application is being referred to the Office of Patent Application processing for appropriate action on the reply received.

Terri Johnson
Terri Johnson
Petitions Examiner
Office of Petitions



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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

NOV 16 2010

OFFICE OF PETITIONS

**MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111**

In re Application of :
Victor D. Dolecek et al. :
Application No. 12/454,832 : NOTICE
Filed: May 21, 2009 :
Attorney Docket No. 37272-511C04US :

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

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

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

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

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED
DEC 13 2010
OFFICE OF PETITIONS
NOTICE

In re Application of :
Dolecek :
Application No. 12/454,839 :
Filed: May 21, 2009 :
Attorney Docket No. 37272-511C03US :

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of :
Dolecek : DECISION ON PETITION
Application No. 12/454,839 :
Filed: May 21, 2009 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 23, 2010.

The Notice of Abandonment mailed November 9, 2010 indicates that the application is abandoned for failure to timely submit a proper reply to the Notice of Allowance mailed July 27, 2010.

Petitioner asserts that a reply was timely filed October 27, 2010.

The reply filed October 27, 2010, has been located in the official application file.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to the Office of Data Management for further processing.

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

/ALEZIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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ILYA ZBOROVSKY
3 COURTYARD CIRCLE
CENTERPORT, NY 11721

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of
Tim Goldburt
Application No. 12/454,862
Filed: May 27, 2009
Attorney Docket No.

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 13, 2012.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Ilya ZBorovsky has been revoked by the applicant of the patent application on March 12, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ILYA ZBOROVSKY
3 COURTYARD CIRCLE
CENTERPORT, NY 11721

MAILED
APR 09 2012
OFFICE OF PETITIONS

In re Application of
Tim Goldburt, et al.
Application No. 12/454,863
Filed: May 27, 2009
Attorney Docket No.

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 13, 2012.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Ilya ZBorovsky has been revoked by the applicant of the patent application on March 12, 2012. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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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.
12/454,865	05/27/2009	Zlatko Zadro	MM9-1112	8478
7590		07/21/2011	EXAMINER	
William L. Chapin		CARIASO, ALAN B		
Law Offices of William L. Chapin		ART UNIT		PAPER NUMBER
16791 Sea Witch Lane		2885		
Huntington Beach, CA 92649		MAIL DATE		DELIVERY MODE
		07/21/2011		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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William L. Chapin
Law Offices of William L. Chapin
16791 Sea Witch Lane
Huntington Beach CA 92649

In re Application of: :
Zlatko ZADRO :
Serial No.: 12/454865 :
Filed: 27 May 2009 :
Title: **ILLUMINATED CONTINUOUSLY** :
ROTATABLE DUAL MAGNIFICATION :
MIRRIOR :

DECISION ON PETITION TO
MAKE SPECIAL FOR NEW
APPLICATION UNDER 37
C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on 2 February 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

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Application Serial No. 12/454865
Decision on Petition

2

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
 - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and
 - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

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Application Serial No. 12/454865
Decision on Petition

3

REVIEW OF FACTS

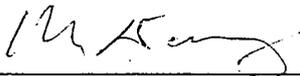
The petition appears on its face to be filed without recognition of the August 25, 2006 policy change to the petition to make special program. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is attached to the mailed decision for petitioner's review. Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

The application is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the petition was not filed concurrently with the application. A requirement for a grantable petition under accelerated examination is that the petition is filed with the application.

DECISION

For the above-stated reasons, the petition is **denied**. The application will remain in its regular status, and will be taken up by the examiner for action in its regular turn.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist (QAS) Michael Day at (571) 272-1568.



Michael Day, QAS
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

(2) Activities will be initiated before dusk;

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while pinnipeds are present;

(4) If activities cease for longer than 30 minutes and pinnipeds are in the area, start-up of activities will include a gradual increase in noise levels;

(5) A NMFS-approved marine mammal observer will visually monitor the pinnipeds on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring); and

(6) To the extent possible, the *Delta Mariner* and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks. The vessel will reduce speed 1.5 to 2 knots (2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities;

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less); and

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Monitoring results from previous years of these activities have been reviewed and incorporated into the analysis of potential effects in this document, as well as the take estimates.

Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90

days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any marine mammal is injured or killed as a result of these activities, Boeing or its designee shall report the incident to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001, which concluded that the proposed activities were not likely to jeopardize the continued existence of the southern sea otter. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

In 2001, the USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base. In 2005, NMFS prepared an EA supplementing the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of an IHA for Boeing's harbor activities in accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). The proposed activity is within the scope of NMFS'2005 EA and FONSI.

Conclusions

NMFS has issued an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1-year period, contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has determined that the impact of harbor activities related to the Delta IV/EELV at VAFB (transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat

mitigation) will result in the Level B Harassment of small numbers of Pacific harbor seals, California sea lions, and northern elephant seals. The effects of Boeing's harbor activities are expected to be in the form of short-term and localized behavioral changes and no take by injury or death is anticipated or authorized. NMFS has further determined that these takes will have a negligible impact on the affected marine mammal species and stocks and will not have an unmitigable adverse impact on the availability of such marine mammal species and stocks for subsistence uses.

Authorization

NMFS has issued an IHA to take marine mammals, by Level B harassment, incidental to conducting harbor activities at VAFB to Boeing for a 1-year period, provided the mitigation, monitoring, and reporting requirements are undertaken.

Dated: June 19, 2006.

James H. Lecky,

Director, Office of Protected Resources,
National Marine Fisheries Service.

[FR Doc. E6-10044 Filed 6-23-06; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO-P-2006-0014]

Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) has established procedures under which the examination of a patent application may be accelerated. Under one of these procedures, the USPTO will advance an application out of turn for examination if the applicant files a grantable petition to make special under the accelerated examination program. The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the recently announced Patent Prosecution Highway (PPH) pilot program between the USPTO and the Japan Patent Office. **DATES:** *Effective Date:* The change in practice in this notice applies to

petitions to make special filed on or after August 25, 2006.

FOR FURTHER INFORMATION CONTACT: Pinchus Laufer, Detailee, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272-7726, or by facsimile at (571) 273-7726. Comments concerning petition to make special practice may be sent by electronic mail message over the Internet addressed to MPEPFeedback@uspto.gov, or submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Any inquiries concerning electronic filing of the application should be directed to the Electronic Business Center (EBC) at (866) 217-9197. Any inquiries concerning a specific petition to make special should be directed to the appropriate Technology Center Special Program Examiner.

SUPPLEMENTARY INFORMATION: New patent applications are normally taken up for examination in the order of their United States filing date. The USPTO has a procedure for requesting accelerated examination under which an application will be advanced out of turn for examination if the applicant files a petition to make special with the appropriate showing. See 37 CFR 1.102 and *Manual of Patent Examining Procedure* § 708.02 (VIII) (8th ed. 2001) (Rev. 3, August 2005) (MPEP). The USPTO is revising its procedures for applications made special under the accelerated examination program with the goal of completing examination within twelve months of the filing date of the application. See Part VIII (subsection The Twelve-Month Goal) for more information.

The USPTO is similarly revising the procedures for other petitions to make special, except those based on applicant's health or age or the PPH pilot program. Specifically, other petitions to make special (*i.e.*, petitions based on: manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities (*see* MPEP § 708.02)) will be processed and examined using the revised procedure for accelerated examination. Thus, all petitions to make special, except those based on applicant's health or age or the PPH pilot program, will be required to comply with the requirements of petitions to make special under the accelerated examination program that are set forth in this notice.

Any petition to make special, other than those based on applicant's health or age or the PPH pilot program, filed on or after the effective date must meet the requirements set forth in this notice. Applications filed before the effective date will not be eligible for the revised accelerated examination program. Until the effective date, applicant may file a petition to make special in an application filed before the effective date by complying with the previous guidelines and requirements in MPEP § 708.02 (I–II, and V–XII). A petition to make special filed after the effective date will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in this notice. See Part VIII, for more information on eligibility.

Part I. Requirements for Petitions to Make Special under Accelerated Examination: A new application may be granted accelerated examination status under the following conditions:

(1) The application must be filed with a petition to make special under the accelerated examination program accompanied by either the fee set forth in 37 CFR 1.17(h) or a statement that the claimed subject matter is directed to environmental quality, energy, or countering terrorism. See 37 CFR 1.102(c)(2). Applicant should use form PTO/SB/28 for filing the petition.

(2) The application must be a non-reissue utility or design application filed under 35 U.S.C. 111(a).

(3) The application, petition, and required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-Web. If the USPTO's EFS and EFS-Web are not available to the public during the normal business hours for these systems at the time of filing the application, applicant may file the application, other papers and fees by mail accompanied by a statement that EFS and EFS-Web were not available during the normal business hours, but the final disposition of the application may occur later than twelve months from the filing of the application. See Part VIII (subsection The Twelve-Month Goal) for more information.

(4) At the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination. For example, the application must be filed together with the basic filing fee, search fee, examination fee, and application size fee (if applicable), and an executed oath or declaration under 37 CFR 1.63. See Part VIII (subsection Conditions for Examination) for more information.

(5) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must also not contain any multiple dependent claims. By filing a petition to make special under the accelerated examination program the applicant is agreeing not to separately argue the patentability of any dependent claim during any appeal in the application. Specifically, the applicant is agreeing that the dependent claims will be grouped together with and not argued separately from the independent claim from which they depend in any appeal brief filed in the application (37 CFR 41.37(c)(1)(vii)). The petition must include a statement that applicant will agree not to separately argue the patentability of any dependent claim during any appeal in the application. See form PTO/SB/28.

(6) The claims must be directed to a single invention. If the USPTO determines that all the claims presented are not directed to a single invention, applicant must make an election without traverse in a telephonic interview. The petition must include a statement that applicant will agree to make an election without traverse in a telephonic interview. See form PTO/SB/28.

(7) The applicant must be willing to have an interview (including an interview before a first Office action) to discuss the prior art and any potential rejections or objections with the intention of clarifying and possibly resolving all issues with respect to patentability at that time. The petition must include a statement that applicant will agree to have such an interview when requested by the examiner. See form PTO/SB/28.

(8) At the time of filing, applicant must provide a statement that a preexamination search was conducted, including an identification of the field of search by United States class and subclass and the date of the search, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file or files searched and the database service, and the date of the search.

(A) This preexamination search must involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated source and includes such a justification with this statement.

(B) This preexamination search must be directed to the claimed invention and

encompass all of the features of the claims, giving the claims the broadest reasonable interpretation.

(C) The preexamination search must also encompass the disclosed features that may be claimed. An amendment to the claims (including any new claim) that is not encompassed by the preexamination search or an updated accelerated examination support document (see item 9) will be treated as not fully responsive and will not be entered. See Part IV (Reply by Applicant) for more information.

(D) A search report from a foreign patent office will not satisfy this preexamination search requirement unless the search report satisfies the requirements set forth in this notice for a preexamination search.

(E) Any statement in support of a petition to make special must be based on a good faith belief that the preexamination search was conducted in compliance with these requirements. See 37 CFR 1.56 and 10.18.

(9) At the time of filing, applicant must provide in support of the petition an accelerated examination support document.

(A) An accelerated examination support document must include an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims.

(B) For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference.

(C) The accelerated examination support document must include a detailed explanation of how each of the claims are patentable over the references cited with the particularity required by 37 CFR 1.111(b) and (c).

(D) The accelerated examination support document must include a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application).

(E) The accelerated examination support document must include a showing of where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in the written description of the specification. If applicable, the showing must also identify: (1) Each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6; and (2) the structure, material, or acts in the specification that correspond to each

means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112, ¶ 6. If the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under the first paragraph of 35 U.S.C. 112 in each such application in which such support exists.

(F) The accelerated examination support document must identify any cited references that may be disqualified as prior art under 35 U.S.C. 103(c) as amended by the Cooperative Research and Technology Enhancement (CREATE) Act (Pub. L. 108-453, 118 Stat. 3596 (2004)).

Part II. Decision on Petition To Make Special: Applicant will be notified of the decision by the deciding official. If the application and/or petition does not meet all the prerequisites set forth in this notice for the application to be granted special status (including a determination that the search is deemed to be insufficient), the applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. In those instances in which the petition or accelerated examination support document is defective in one or more requirements, applicant will be given a single opportunity to perfect the petition or accelerated examination support document within a time period of one month (no extensions under 37 CFR 1.136(a)). This opportunity to perfect a petition does not apply to applications that are not in condition for examination on filing. See Part VIII (subsection Condition for Examination). If the document is satisfactorily corrected in a timely manner, the petition will then be granted, but the final disposition of the application may occur later than twelve months from the filing date of the application. Once a petition has been granted, prosecution will proceed according to the procedure set forth below.

Part III. The Initial Action on the Application by the Examiner: Once the application is granted special status, the application will be docketed and taken up for action expeditiously (e.g., within two weeks of the granting of special status). If it is determined that all the claims presented are not directed to a single invention, the telephone restriction practice set forth in MPEP § 812.01 will be followed. Applicant must make an election without traverse during the telephonic interview. If applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable

effort, the examiner will treat the first claimed invention (the invention of claim 1) as constructively elected without traverse for examination. Continuing applications (e.g., a divisional application directed to the non-elected inventions) will not automatically be given special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

If the USPTO determines that a possible rejection or other issue must be addressed, the examiner will telephone the applicant to discuss the issue and any possible amendment or submission to resolve such issue. The USPTO will not issue an Office action (other than a notice of allowance) unless either: (1) An interview was conducted but did not result in the application being placed in condition for allowance; or (2) there is a determination that an interview is unlikely to result in the application being placed in condition for allowance. Furthermore, prior to the mailing of any Office action rejecting the claims, the USPTO will conduct a conference to review the rejections set forth in the Office action.

If an Office action other than a notice of allowance or a final Office action is mailed, the Office action will set a shortened statutory period of one-month or thirty-days, whichever is longer. No extensions of this shortened statutory period under 37 CFR 1.136(a) will be permitted. Failure to timely file a reply will result in abandonment of the application. See Parts V and VI for more information on post-allowance and after-final procedures.

Part IV. Reply by Applicant: A reply to an Office action must be limited to the rejections, objections, and requirements made. Any amendment that attempts to: (1) Add claims which would result in more than three independent claims, or more than twenty total claims, pending in the application; (2) present claims not encompassed by the preexamination search (see item 8 of Part I) or an updated accelerated examination support document (see next paragraph); or (3) present claims that are directed to a nonelected invention or an invention other than previously claimed in the application, will be treated as not fully responsive and will not be entered. See Part VIII (subsection Reply Not Fully responsive) for more information.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document in Part I, item 9, applicant is required to provide an updated accelerated examination

support document that encompasses the amended or new claims at the time of filing the amendment. Failure to provide such updated accelerated examination support document at the time of filing the amendment will cause the amendment to be treated as not fully responsive and not to be entered. See Part VIII (subsection Reply Not Fully Responsive) for more information. Any IDS filed with an updated accelerated examination support document must also comply with the requirements of 37 CFR 1.97 and 1.98.

Any reply or other papers must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the papers are not filed electronically via EFS-Web, or the reply is not fully responsive, the final disposition of the application may occur later than twelve months from the filing of the application.

Part V. Post-Allowance Processing: The mailing of a notice of allowance is the final disposition for purposes of the twelve-month goal for the program. In response to a notice of allowance, applicant must pay the issue fee within three months from the date of mailing of the Notice of Allowance and Fee(s) Due (form PTOL-85) to avoid abandonment of the application. In order for the application to be expeditiously issued as a patent, the applicant must also: (1) Pay the issue fee (and any outstanding fees due) within one month from the mailing date of the form PTOL-85; and (2) not file any post-allowance papers that are not required by the USPTO (e.g., an amendment under 37 CFR 1.312 that was not requested by the USPTO).

Part VI. After-Final and Appeal Procedures: The mailing of a final Office action or the filing of a notice of appeal, whichever is earlier, is the final disposition for purposes of the twelve-month goal for the program. Prior to the mailing of a final Office action, the USPTO will conduct a conference to review the rejections set forth in the final Office action (i.e., the type of conference conducted in an application on appeal when the applicant requests a pre-appeal brief conference). In order for the application to be expeditiously forwarded to the Board of Patent Appeals and Interferences (BPAI) for a decision, applicant must: (1) Promptly file the notice of appeal, appeal brief, and appeal fees; and (2) not request a pre-appeal brief conference. A pre-appeal brief conference would not be of value in an application under a final Office action because the examiner will have already conducted such a conference prior to mailing the final Office action. During the appeal process,

the application will be treated in accordance with the normal appeal procedures. The USPTO will continue to treat the application special under the accelerated examination program after the decision by the BPAI.

Any after-final amendment, affidavit, or other evidence filed under 37 CFR 1.116 or 41.33 must also meet the requirements set forth in Part IV (Reply by Applicant). If applicant files a request for continued examination (RCE) under 37 CFR 1.114 with a submission and fee, the submission must meet the reply requirements under 37 CFR 1.111 (see 37 CFR 1.114(c)) and the requirements set forth in Part IV (Reply by Applicant). The filing of the RCE is a final disposition for purposes of the twelve-month goal for the program. The application will retain its special status and remain in the accelerated examination program. Thus, the examiner will continue to examine the application in accordance with the procedures set forth in Part III and any subsequent replies filed by applicant must meet the requirements of Part IV. The goal of the program will then be to reach a final disposition of the application within twelve months from the filing of the RCE.

Part VII. Proceedings Outside the Normal Examination Process: If an application becomes involved in proceedings outside the normal examination process (e.g., a secrecy order, national security review, interference, or petitions under 37 CFR 1.181-1.183), the USPTO will treat the application special under the accelerated examination program before and after such proceedings. During those proceedings, however, the application will not be accelerated. For example, during an interference proceeding, the application will be treated in accordance with the normal interference procedures and will not be treated under the accelerated examination program. Once any one of these proceedings is completed, the USPTO will process the application expeditiously under the accelerated examination program until it reaches final disposition, but that may occur later than twelve months from the filing of the application.

Part VIII. More Information:
Eligibility: Any non-reissue utility or design application filed under 35 U.S.C. 111(a) on or after the effective date of this program is eligible for the revised accelerated examination program. The following types of filings are not eligible for this revised accelerated examination program: Plant applications, reissue applications, applications entering the national stage from an international

application after compliance with 35 U.S.C. 371, reexamination proceedings, RCEs under 37 CFR 1.114 (unless the application was previously granted special status under the program), and petitions to make special based on applicant's health or age or under the PPH pilot program. Rather than participating in this revised accelerated examination program, applicants for a design patent may participate in the expedited examination program by filing a request in compliance with the guidelines set forth in MPEP § 1504.30. See 37 CFR 1.155.

Form: Applicant should use form PTO/SB/28 for filing a petition to make special, other than those based on applicant's health or age or the PPH pilot program. The form is available on EFS-Web and on the USPTO's Internet Web site at <http://www.uspto.gov/web/forms/index.html>.

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (see MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (see MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)-(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (e.g., the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is

accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

Furthermore, if the application is a design application, the application must also comply with the requirements set forth in 37 CFR 1.151-1.154.

Applicant should also provide a suggested classification, by class and subclass, for the application on the transmittal letter, petition, or an application data sheet as set forth in 37 CFR 1.76(b)(3) so that the application can be expeditiously processed.

The petition to make special will be dismissed if the application omits an item or includes a paper that causes the Office of Initial Patent Examination (OIPE) to mail a notice during the formality review (e.g., a notice of incomplete application, notice to file missing parts, notice to file corrected application papers, notice of omitted items, or notice of informal application). The opportunity to perfect a petition (Part II) does not apply to applications that are not in condition for examination on filing.

Reply Not Fully Responsive: If a reply to a non-final Office action is not fully responsive, but a *bona fide* attempt to advance the application to final action, the examiner may provide one month or thirty-days, whichever is longer, for applicant to supply the omission or a fully responsive reply. No extensions of this time period under 37 CFR 1.136(a) will be permitted. Failure to timely file the omission or a fully responsive reply will result in abandonment of the application. If the reply is not a *bona fide* attempt or it is a reply to a final Office action, no additional time period will be given. The time period set forth in the previous Office action will continue to run.

Withdrawal From Accelerated Examination: There is no provision for "withdrawal" from special status under the accelerated examination program. An applicant may abandon the application that has been granted special status under the accelerated examination program in favor of a continuing application, and the continuing application will not be given special status under the accelerated examination program unless the continuing application is filed with a

petition to make special under the accelerated examination program. The filing of an RCE under 37 CFR 1.114, however, will not result in an application being withdrawn from special status under the accelerated examination program.

The Twelve-Month Goal: The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. The twelve-month goal is successfully achieved when one of the following final dispositions occurs: (1) The mailing of a notice of allowance; (2) the mailing of a final Office action; (3) the filing of an RCE; or (4) the abandonment of the application. The final disposition of an application, however, may occur later than the twelve-month timeframe in certain situations (e.g., an IDS citing new prior art after the mailing of a first Office action). See Part VII for more information on other events that may cause examination to extend beyond this twelve-month time frame. In any event, however, this twelve-month timeframe is simply a goal. Any failure to meet the twelve-month goal or other issues relating to this twelve-month goal are neither petitionable nor appealable matters.

Paperwork Reduction Act: This notice involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The collection of information involved in this notice has been reviewed and previously approved by OMB under OMB control number 0651-0031. The Office has submitted a Change Worksheet to OMB for review of form PTO/SB/28 Petition to Make Special Under the Accelerated Examination.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

Section 708.02 of the *Manual of Patent Examining Procedure* will be revised in due course to reflect this change in practice.

Dated: June 20, 2006.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. E6-10022 Filed 6-23-06; 8:45 am]

BILLING CODE 3510-16-P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Designation under the Textile and Apparel Commercial Availability Provisions of the United States Caribbean Basin Trade Partnership Act (CBTPA)

June 21, 2006.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Designation.

EFFECTIVE DATE: June 26, 2006.

SUMMARY: The Committee for the Implementation of Textile Agreements (CITA) has determined that certain 100 percent cotton, yarn-dyed, 3- or 4-thread twill weave, flannel fabrics, of combed, ring spun single yarns, of the specifications detailed below, classified in subheading 5208.43.0000 of the Harmonized Tariff Schedule of the United States (HTSUS), for use in products in Categories 340, 341, and 350, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The CITA hereby designates products in Categories 340, 341, and 350 that are both cut and sewn or otherwise assembled in one or more eligible CBTPA beneficiary countries from such fabrics, as eligible for quota free and duty free treatment under the textile and apparel commercial availability provisions of the CBTPA and eligible under HTSUS subheading 9820.11.27 to enter free of quota and duties, provided that all other fabrics in the referenced apparel articles are wholly formed in the United States from yarns wholly formed in the United States.

FOR FURTHER INFORMATION CONTACT: Maria K. Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482 3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of CBERA, as added by Section 211(a) of the CBTPA; Presidential Proclamation 7351 of October 2, 2000; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND:

The commercial availability provision of the CBTPA provides for duty free and quota free treatment for apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary CBTPA country from fabric or yarn that is not formed in the United States if it has been determined that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Chhugani, et al.
Application No. 12/454,883
Filed: May 26, 2009
Atty. Dkt. No.: P28722

:
: DECISION ON PETITION
:
:
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned August 13, 2009 for failure to timely submit a proper reply to the Notice to File Missing Parts of Nonprovisional Application mailed June 12, 2009. The Notice set a two month shortened statutory period of time for reply. No extensions of time were timely requested. Notice of Abandonment was mailed February 16, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

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 \$620.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund of

this fee by writing to the Finance Office, Refund Section. Any request for refund should include a copy of the instant decision on petition.

Accordingly, this application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**LOCKE LORD BISSELL & LIDDELL LLP
ATTN : MICHAEL RITCHIE, DOCKETING
2200 ROSS AVENUE
SUITE #2200
DALLAS TX 75201-6776**

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
SAPIENZA et al :
Application No. 12/454,890 :
Filed: May 26, 2009 :
Attorney Docket No. 1028-001Q (1003473- :
00059) :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 24, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is February 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center AU 1731 for appropriate action by the Examiner in the normal course of business on the reply received June 30, 2011.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: PETER J. FALLON
LOCKE LORD BISSELL & LIDDELL LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101



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LAW OFFICE OF MARTIN JERISAT
SUITE 3300
10 S. LASALLE STREET
CHICAGO IL 60603

MAILED

AUG 26 2010

In re Application of	:	OFFICE OF PETITIONS
AGHA, Hassan	:	
Application No. 12/454,896	:	DECISION ON PETITION
Filed: May 26,2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 26, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement attesting that Hassan Agha is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

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 1797 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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LAW OFFICE OF MARTIN JERISAT
SUITE 3300
10 S. LASALLE STREET
CHICAGO IL 60603

MAILED
OCT 12 2010
OFFICE OF PETITIONS

In re Application of :
Hassan AGHA :
Application No. 12/454,896 : DECISION ON PETITION
Filed: May 26, 2009 :
Attorney Docket No. :

This is a decision on the petition, filed September 16, 2010, to withdraw the petition to make special filed April 26, 2010.

The petition is **GRANTED**.

The petition for special status is hereby **withdrawn**.

This application is being referred to the Office of Data Management.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions



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Thomas J. McWilliams
DRINKER BIDDLE & REATH LLP
One Logan Square
18th & Cherry Streets
Philadelphia PA 19103-6996

MAILED
NOV 9 0 2011

OFFICE OF PETITIONS

In re Application of :
Lap Shun Hui :
Application No. 12/454,907 :
Filed: May 26, 2009 :
Attorney Docket No. 203112-0001-00-US 438964 :

**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, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Robert Cannuscio does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Attorneys in this application were appointed separately by registration numbers.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions



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MILLS & ONELLO LLP
ELEVEN VEACON STREET
SUITE 605
BOSTON, MA 02108

MAILED
OCT 05 2010
OFFICE OF PETITIONS

Applicant: Dong-seok Suh
Appl. No.: 12/455,007
Filing Date: May 27, 2009
Title: PHASE CHANGE RANDOM ACCESS MEMORY AND METHODS OF
MANUFACTURING AND OPERATING SAME
Attorney Docket No.: SAM-1329
Pub. No.: 2009/0296457 A1
Pub. Date: December 3, 2009

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on February 2, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the Foreign Application priority data and the correspondence address are not printed correctly.

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 in the foreign priority data on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The correct priority data is in the first line of the specification. The error in the foreign priority data on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

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. 12/455,007

On June 23, 2009 and January 13, 2010, Filing Receipts were mailed by the Office, which incorrectly listed the foreign application priority data. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to submit the Application Data Sheet (PTO/SB/14 or eADS) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):

Telephone: 1-866-217-9197 (toll-free)
571-272-4100 (local)

E-mail: ebc@uspto.gov

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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Milstein Zhang & Wu LLC
49 Lexington Street, Suite 6
Newton MA 02465-1062

MAILED

NOV 19 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hochberg, et al. :
Application No. 12/455,008 :
Filed: May 27, 2009 :
Attorney Docket No. 8053P.1US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2010, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned March 20, 2010 for failure to timely submit a proper reply to the Notice of File Corrected Application Papers (Notice) mailed January 19, 2010. The Notice set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed September 24, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

As to requirement (3), 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



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**MAXVALUEIP CONSULTING
11204 ALBERMYRTLE ROAD
POTOMAC MD 20854**

MAILED

SEP 21 2010

In re Application of : **OFFICE OF PETITIONS**
Habib Bahari :
Application No. 12/455,042 : **DECISION ON PETITION**
Filed: May 28, 2009 :
Attorney Docket No. BAHARI-I :

This is a decision on petition filed July 2, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed June 17, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, a reply was due on or before by August 17, 2009. The Notice of Abandonment was mailed June 10, 2010.

Petitioner states that a timely reply to the Notice to File Missing Parts was submitted electronically on August 6, 2009.

According to the Notice of June 17, 2009, the items to be included in the reply were: An Oath/Declaration, replacement drawings and an additional fee of \$95. A review of the file record shows receipt by the Office of these items on August 6, 2006, rendering the reply timely.

Accordingly, the holding of abandonment for failure to file a timely reply to the Notice is hereby withdrawn.

Telephone inquires should be directed to Terri Johnson at (571) 272-2991.

The application is being forwarded to the Office of Patent Application Processing.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
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.
12/455,155	05/28/2009	Ness Lakdawala	139-14US-2	6074
5568	7590	02/18/2011	EXAMINER	
JACK PAAVILA 43 VICTORIA ST., W. ALEXANDRIA, KOC IA0 CANADA			GOLIGHTLY, ERIC WAYNE	
			ART UNIT	PAPER NUMBER
			1714	
			MAIL DATE	DELIVERY MODE
			02/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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2/18/2011

wk

In re application of	:	
Lakdawala et al.	:	DECISION ON
Serial No. 12/455,155	:	PETITION
Filed: May 28, 2009	:	
For: METHOD AND A WASHING SYSTEM FOR		
WASHING TURBINES		

This is a response to withdraw the abandonment of this application and is being considered as a PETITION UNDER RULE 37 C.F.R. 1.181(a) filed January 24, 2011. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed January 3, 2011, be withdrawn.

On November 15, 2010, Applicants filed a response to the Office Action of June 15, 2010. The response referred to application serial number 12/455,145 rather than 12/455,155. All the other information in the response relevant to identifying the application was correct. Applicants' response of November 15, 2010 is in the current application

DECISION

The Petition is **GRANTED** as to the withdrawal of abandonment.

/SHARON GIBSON/
Sharon A. Gibson, Director
Technology Center 1700
Chemical and Materials Engineering

JACK PAAVILA
43 VICTORIA ST., W.
ALEXANDRIA KOC IA0 CA CANADA

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/30/11

TO SPE OF : ART UNIT: 1778

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/455,175 Patent No. 7,935,253

CofC mailroom date 11/14/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Ernest C. White, LIE

**Certificates of Correction Branch
703-756-1814 _____**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

SPE

Art Unit



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,227	05/29/2009	Jun Choi	GUA-0077-PT	2432
82727	7590	04/12/2012	EXAMINER	
Jae Y. Park			FOWLER, DANIEL WAYNE	
Kile Park Goekjian Reed & McManus PLLC			ART UNIT	PAPER NUMBER
P.O. Box 223859			3739	
Chantilly, VA 20153			NOTIFICATION DATE	DELIVERY MODE
			04/12/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@kilepark.com
jpark@kilepark.com
jpark@parkiplaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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April 12, 2012

Jae Y. Park
Kile Park Goekjian Reed & McManus PLLC
P.O. Box 223859
Chantilly VA 20153

In re Application of Jun Choi et al. :
Application No. 12455227 : **DECISION ON PETITION**
Filed: 5/29/2009 :
Attorney Docket No. GUA-0077-PT : **ACCEPTANCE OF COLOR DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 29, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,268	05/28/2009	Chia-Chin Chong	M-17342 US (70216.353)	1026
27683	7590	11/01/2011	EXAMINER	
HAYNES AND BOONE, LLP			SCHEIBEL, ROBERT C	
IP Section			ART UNIT	
2323 Victory Avenue			PAPER NUMBER	
Suite 700			2467	
Dallas, TX 75219			MAIL DATE	
			11/01/2011	
			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.

Paper No. 4

Edward Kwok.
HAYNES AND BOONE, LLP
IP SECTION
2323 Victory Avenue
Dallas, TX 75219

In re Application of:)
Chia-Chin CHONG et al)
Application No. 12/455,268) **DECISION ON PETITION UNDER 37**
Filed: May 28, 2009) **C.F.R. § 1.84(a)(2) TO ACCEPT**
For: EVOLVING-TYPE USER) **COLOR DRAWINGS**
RESOURCE)
STRUCTURE/CHANNELIZATION)
WITH ENHANCED DIVERSITY)
FOR OFDMA BASED TIME-
VARYING CHANNELS)

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed May 28, 2009, requesting acceptance of color drawings.

The petition requests that the color drawing figures 1, 2, 3, 4, 5, 6, 7, 8, and 9, be accepted in lieu of black and white drawings.

On rare occasions, a petition is grantable under 37 C.F.R. § 1.84(a)(2) when color drawings are necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration.

In this instance, it has been determined that the color drawings are not necessary as the only practical medium by which to disclose the subject matter sought to be patented.

The petition is **Dismissed**.

The application file is being return to the Central Files waiting for applicants response.

_____/Hassan Phillips/_____
Hassan Phillips
Supervisory Patent Examiner
Technology Center 2400
Computer Security, Architecture and Software



THE JACKSON PATENT GROUP
1500 FOREST AVENUE, SUITE 212
RICHMOND VA 23229

MAILED

DEC 14 2011

OFFICE OF PETITIONS

In re Patent No. 7,976,932 :
Issued: July 12, 2011 :
Application No. 12/455,279 : **ON PETITION**
Filed: May 29, 2009 :
Attorney Docket No: 2029(THPM) :

This is a decision regarding your request for acceptance of a fee deficiency submission filed November 21, 2011. The request is being treated as a petition under 37 CFR 1.28

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc., 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission in the amount of \$773.00 under 37 CFR 1.28 has been applied and is hereby accepted. The petition is therefore **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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**MARGARET ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN TX 78701**

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Cohen et al.	:	DECISION ON PETITION
Application No. 12/455,301	:	TO WITHDRAW
Filed: May 29, 2009	:	FROM RECORD
Attorney Docket No. QQ1-0167US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the address given on the petition differs from the address of record. 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.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201



UNITED STATES 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.

Michael G. Gilman
424 Lantana Park
Lexington KY 40515

MAILED

OCT 26 2010

OFFICE OF PETITIONS

In re Application of :
Borsa et al. :
Application No. 12/455,355 : DECISION ON FOURTH RENEWED
Filing Date: June 1, 2009 : PETITION UNDER
Attorney Docket Number: 4624- : 37 C.F.R. § 1.183
005 :
Title: PROCESS FOR THE :
PREPARATION OF ESTERS OF :
DIACEREIN WITH HYALURONIC ACID :
AND PHARMACEUTICAL COMPOSITIONS :
CONTAINING SUCH ESTERS :

This is a decision on the fourth renewed petition filed on August 2, 2010, pursuant to 37 C.F.R. § 1.183. Petitioner has requested the waiver of Rule 1.6(d)(3), which prohibits the filing of "a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date"¹ via facsimile transmission.

An original petition was filed on July 24, 2009 along with the petition fee, and was dismissed via the mailing of a decision on September 1, 2009.

A renewed petition was filed on September 10, 2009, and was dismissed via the mailing of a decision on September 28, 2009.

A second renewed petition was filed on November 9, 2009, and was denied via the mailing of a final agency action on March 24, 2010.

¹ See also Rule 1.8(a)(2)(i)(A).

A third renewed petition was filed on June 17, 2010, and was dismissed via the mailing of a decision on July 30, 2010, which indicated that the submission could not be entered as it had not been executed.

In a final agency action, within the meaning of 35 U.S.C. § 704, mailed March 24, 2010, the second renewed petition pursuant to 37 C.F.R. § 1.183 which sought the waiver of Rule 1.6(d)(3) was DENIED. It was concluded, for reasons set forth in the decision, that Rule 1.6(d)(3) will not be waived, and this application cannot be accorded a filing date of May 5, 2009 (the date on which this application was submitted to the Office via facsimile transmission).

This decision concludes the consideration of this matter by the Office.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.²



Anthony Knight
Director
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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P.O. Box 1450
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DON B FINKELSTEIN ESQ
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE CA 90503

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re
Bernardo J. Herzer
Application No. 12/455,407
Filed: June 3, 2009
Patent No. 7,703,430
Issued: April 27, 2010

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed March 23, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$755, representing the issue fee, is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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DON B FINKELSTEIN ESQ
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE CA 90503

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re
Bernardo J. Herzer
Application No. 12/455,408
Filed: June 3, 2009
Patent No. 7,743,755
Issued: June 29, 2010

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed March 23, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$825, representing the issue fee and terminal disclaimer, is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



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MAILED

MAY 17 2011

OFFICE OF PETITIONS

**DON B. FINKELSTEIN, ESQ.
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE CA 90503**

In re Application of :
Bernardo J. Herzer :
Application No. 12/455,410 : **NOTICE**
Filed: June 03, 2009 :
Attorney Docket No. PA5532 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 April 11, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BERNARDO J. HERZER
10866 WASHINGTON BLVD. #501
CULVER CITY CA 90232**



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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DON B FINKELSTEIN ESQ
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE CA 90503

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re
Bernardo J. Herzer
Application No. 12/455,411
Filed: June 3, 2009
Patent No. 7,748,365
Issued: July 6, 2010

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed March 23, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$825, representing the issue fee and terminal disclaimer, is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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LIVIU POPA-SIMIL
3213-C WALNUT STREET
LOS ALAMOS, NM 87544-2092

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Application of
Liviu Popa-Simil.
Application No. 12/455,442
Filed: June 2, 2009
Attorney Docket No. T1

ON PETITION

This is in response to the communication, filed July 23, 2010, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

On September 23, 2009, the Office mailed a Notice to File Corrected Application Papers (Notice), which set a two month shortened statutory period to reply. The application became abandoned on November 24, 2009, for failure to submit a timely response to the September 23, 2009 Notice. On June 1, 2010, the Office mailed a Notice of Abandonment.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner argues that a reply to the Notice was filed. A review of the record discloses that a reply to the Notice to File Corrected Application Papers mailed July 6, 2009. However, the Office mailed a second Notice to File Corrected Application Papers on September 23, 2009 which pointed directed applicant's attention to Figure 19, to which no reply was received.

Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), **\$810.00 for a small entity**;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$750.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Any request for reconsideration of this decision should be submitted within **TWO (2) MONTHS** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement;



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LIVIU POPA-SIMIL
3213-C WALNUT STREET
LOS ALMOS, NM 87544-2092

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of
Liviu Popa-Simil
Application No. 12/455,442
Filed: June 2, 2009
Attorney Docket No. T1

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 29, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed September 23, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 24, 2009. On June 1, 2010 the Office mailed a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply with drawings, (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.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received October 29, 2010.



April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUNSTAR IM
105
22847 WEST AVENUE D
LANCASTER, CA 93536

MAILED

AUG 19 2010

In re Application of :
Sunstar Im :
Application No. 12/455,473 :
Filed: June 2, 2009 :
For: FOLDABLE SWAN-WINGS AIRCRAFT :
:

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the renewed petition, filed June 23, 2010, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

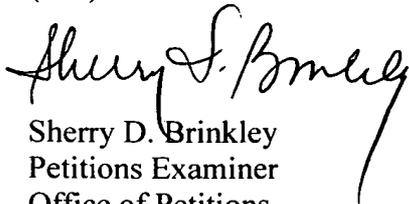
This application was held abandoned for failure to timely reply to a Notice to File Corrected Application Papers mailed July 6, 2009, which set a two-month period for reply. On March 26, 2010, a petition under 37 CFR 1.181 was filed; however, the petition was dismissed in a decision mailed June 9, 2010. On June 23, 2010, the present petition was filed.

The petition satisfied the requirements to establish that the Notice to File Corrected Application Papers was not received.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application is being referred to the Office of Patent Application Processing (OPAP) for re-mailing the Notice to File Corrected Application Papers of July 6, 2009. The period for reply will run from the mailing date of the new Notice.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

NOV 21 2011

OFFICE OF PETITIONS

TUTUNJIAN & BITETTO, P.C.
425 Broadhollow Road, Suite 302
Melville NY 11747

In re Application of :
Thierry TAPIE et al. : ON PETITION
Application No. 12/455,549 :
Filed: June 3, 2009 :
Atty. Docket No.: PF090017 :

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**.

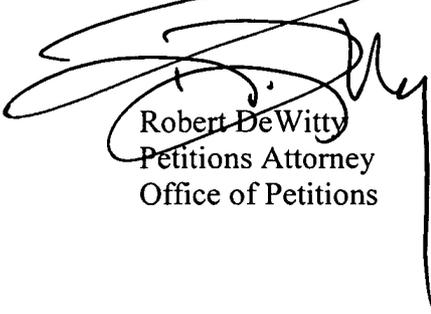
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 26, 2011 (Office action), which set a shortened statutory period for reply of three (3) months. The application became abandoned April 27, 2011. A Notice of Abandonment was mailed October 5, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of Response to the Office action mailed January 26, 2011, (2) a petition fee of \$1860, 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 2461 for consideration of the filed Response.



Robert DeWitty
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,553	06/03/2009	Eugene Medlock	A-666-US-CNT4	1882
37500	7590	01/12/2011	EXAMINER	
AMGEN INC. LAW DEPARTMENT 1201 AMGEN COURT WEST SEATTLE, WA 98119			HAMUD, FOZIA M	
			ART UNIT	PAPER NUMBER
			1647	
			MAIL DATE	DELIVERY MODE
			01/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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January 11, 2011

AMGEN INC.
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

In re Application of :
Eugene Medlock, et al : **DECISION ON PETITION**
Application No. 12455553 :
Filed: 06/03/2009 :
Attorney Docket No. A-666-US-CNT4 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 3, 2009.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 2 3

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



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.
12/455,553	06/03/2009	Eugene Medlock	A-666-US-CNT4	1882
	7590	04/14/2011	EXAMINER	
AMGEN INC. LAW DEPARTMENT 1201 AMGEN COURT WEST SEATTLE, WA 98119			HAMUD, FOZIA M	
			ART UNIT	PAPER NUMBER
			1647	
			MAIL DATE	DELIVERY MODE
			04/14/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST
Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 13, 2011

AMGEN INC.
LAW DEPARTMENT
1201 AMGEN COURT WEST
SEATTLE WA 98119

In re Application of :
Eugene Medlock, et al : **DECISION ON PETITION**
Application No. 12455553 :
Filed: 06/03/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. A-666-US-CNT4 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 12, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



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Marshall, Gerstein & Borun LLP (TETHYS)
233 South Wacker Drive
6300 Willis Tower
Chicago IL 60606

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re Application of :
Steve M. Watkins :
Application No. 12/455,586 :
Filed: June 3, 2009 :
Attorney Docket No. 31376/7001B :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed June 23, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 24, 2009. A Notice of Abandonment was mailed on March 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an examination fee of \$110, a search fee of \$270, a basic filing fee of \$82, a surcharge fee of \$65 and oath and declaration, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees and oath and declaration are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received January 20, 2011. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



JOHN MACKNIS
12 SUNNYSIDE LANE
YARDLEY PA 19067

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of
John Macknis :
Application No. 12/455,649 :
Filed: June 4, 2009 :
Title of Invention: :
ELECTRIC FIELD SEPARATOR DEVICE AND :
PROCESS :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a)¹, filed September 21, 2011, to revive the above identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed June 13, 2011. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested prior to the abandonment of the application, this application became abandoned September 13, 2011. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Pursuant to 37 CFR 1.137(a) however, the instant petition lacks item (2) of the regulation.

¹A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 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(c).

The required petition fee in accordance with 37 CFR 1.137(a)(2) and 37 CFR 1.17(l) is now set at \$310.00 for a small entity and \$620.00 for a large entity and thus, a petition fee is due before a petition on the merits can be addressed and granted. The fees due are the fees set at the time the application file is revived. Therefore, the fee paid in the amount of \$65 is insufficient, and since no authorizations for debiting a deposit account for any deficiencies have been granted, the petition fee has not been paid and thus, the application will therefore remain in an abandoned status until such time as the petition fee has been paid.

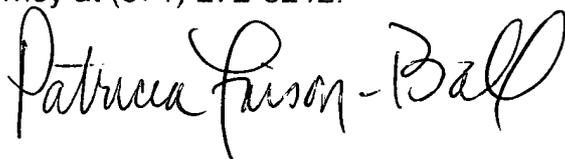
Petitioner is advised also that an extension of time request can be made with the proper fees, pursuant to 37 CFR 1.136(a). Petitioner should check the USPTO website for the appropriate fees due for an extension for one month (to October 13, 2011), or for two months (to November 13, 2011) or for three months (to December 13, 2011). The fees could be less expensive than those for reviving the application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,657	06/03/2009	Louis H. Bookbinder	33320.03051.US25/ 3051E	8889
13565	7590	08/04/2011	EXAMINER	
McKenna Long & Aldridge LLP			KOSSON, ROSANNE	
4435 Eastgate Mall			ART UNIT	PAPER NUMBER
Suite 400			1657	
San Diego, CA 92121			MAIL DATE	DELIVERY MODE
			08/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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AUG 04 2011

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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Bookbinder et al.
Serial No.: 12/455,657
Filed: June 3, 2009
Attorney Docket No: **33320.03051.US25/
3051E**

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on June 14, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on September 18, 2009; June 14, 2010; September 24, 2010; and May 16, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on September 18, 2009; June 14, 2010; September 24, 2010; and May 16, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on September 18, 2009; June 14, 2010; September 24, 2010; and May 16, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (September 18, 2009, "Transmittal Letter" of 11 pages; June 14, 2010, "Transmittal Letter" of 3 pages; September 24, 2010, "Transmittal Letter" of 2 pages; and May 16, 2011, "Transmittal Letter" of 4 pages). Consequently, the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of September 18, 2009; June 14, 2010; September 24, 2010; and May 16, 2011.

DECISION

The petition is **GRANTED**.

The examiner is instructed to consider the IDS of September 18, 2009; June 14, 2010; September 24, 2010; and May 16, 2011 which was misclassified in PAIR as a "Transmittal Letter" (September 18, 2009, "Transmittal Letter" of 11 pages; June 14, 2010, "Transmittal Letter" of 3 pages; September 24, 2010, "Transmittal Letter" of 2 pages; and May 16, 2011, "Transmittal Letter" of 4 pages).

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,657	06/03/2009	Louis H. Bookbinder	33320.03051.US25/ 3051E	8889
13565	7590	12/06/2011	EXAMINER KOSSON, ROSANNE	
McKenna Long & Aldridge LLP 4435 Eastgate Mall Suite 400 San Diego, CA 92121			ART UNIT	PAPER NUMBER
			1657	
			MAIL DATE	DELIVERY MODE
			12/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents
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Alexandria, VA 22313-1450

DEC - 6 2011

Stephanie Seidman
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of :
Bookbinder :Decision on Petition
Serial No.: 12/455,657 :
Filed : 3 June 2009 :
Attorney Docket No.:33320.03051.US25/3051E :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 4 November 2011 requesting reconsideration of the restriction requirement dated 7 April 2011.

BACKGROUND

This application was filed as a national application under 35 USC 111(a). As such, this application is entitled to US restriction practice.

On 7 April 2011, the examiner required a 3-way restriction between Claims 1 and 3-26.

1. Claims 1 and 3-23, drawn to a polynucleotide encoding a hyaluronidase polypeptide that is a fragment of SEQ ID NO:1, and to a vector and a host cell comprising the polynucleotide and the step of culturing the host cell to make the polypeptide, classified in class 536, subclass 23.2.
2. Claims 24 and 25, drawn to a method of culturing a recombinant host cell in a medium comprising sodium butyrate to make a hyaluronidase polypeptide, classified in class 435, subclass 69.1.
3. Claim 26, drawn to a method of purifying a hyaluronidase polypeptide, classified in class 530, subclass 417.

Claims 27 and 28 were not placed in any group or otherwise accounted for in the restriction requirement. The examiner also required an election of species.

On 5 August 2011, applicants elected Group I, and the “species of eukaryotic vector, such as a viral vector and a mammalian host cell, such as a Chinese hamster ovary (CHO) cell,” with traverse.

On 7 September 2011, the examiner considered the traversal and made the restriction requirement final. Claims 16 and 24-26 were withdrawn from examination and claims 1, 3-15, 17-23 and 27-29 were examined on the merits.

On 4 November 2011, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully. Applicants have requested reconsideration of the restriction required between process Claim 20, which was placed in Group I, process Claim 24, which was placed in Group II and process Claim 26, which was placed in Group III. Relevant claims 20, 24 and 26 are set forth below.

Claim 20 depends upon claim 1 and was placed in Group I:

20. (Previously presented) A method for producing a hyaluronidase polypeptide, comprising:
 - introducing a nucleic acid of claim 1 operably linked to a promoter into a cell capable of incorporating N-linked sugar moieties into the polypeptide;
 - culturing the cells in a suitable growth media under conditions whereby an encoded polypeptide is expressed and secreted by the cell; and
 - recovering the expressed polypeptide(s).

Claim 24 depends upon claim 20 and was placed in Group II:

24. (Original) The method of claim 20, wherein the cells are cultured in the presence of 0.1-1 mM Sodium Butyrate under conditions suitable for production of the polypeptide.

Claim 26 depends upon claim 20 and was placed in Group III:

26. (Previously presented) The method of claim 20, wherein the method of recovering the expressed polypeptide(s) comprises:

- contacting the media containing the expressed polypeptide(s) under low ionic strength with an anion exchange resin at neutral pH;
- eluting the polypeptide with about 400 mM salt;
- contacting the polypeptide with a hydrophobic interaction chromatography resin in the presence of about 0.5M ammonium sulfate;
- contacting the polypeptide in ammonium sulfate with phenyl boronate resin;
- eluting the polypeptide in low salt at neutral pH;
- contacting the polypeptide with a Hydroxapatite resin; and
- eluting the polypeptide with about 100 mM Sodium Phosphate, thereby recovering the polypeptide.

The chart below outlines the limitations of Claims 20, 24 and 26, which are the broadest process claims from Groups I, II and III, respectively. Significant differences between the Groups are shown in *italics* text.

Group I elected and examined Claim 20	Group II withdrawn Claims 24	Group III withdrawn Claim 26
A method for producing a hyaluronidase polypeptide comprising	The method of claim 20	The method of claim 20
introducing a nucleic acid of claim 1 operably linked to a promoter into a cell capable of incorporating N-linked sugar moieties into the polypeptide		
culturing the cells	wherein the cells are cultured	
in a suitable growth media	<i>in the presence of 0.1-1 mM sodium butyrate *</i>	
under conditions whereby an encoded polypeptide is expressed and secreted by the cell and	under conditions suitable for production of the polypeptide.	
		wherein the method of recovering the expressed polypeptide(s) comprises <i>[a series of purification steps** resulting in]</i>
recovering the expressed polypeptide(s).		thereby recovering the polypeptide.

*limits the generic growth media to ones which contain 0.1-1 mM sodium butyrate.

** limits the generic recovery method to ones which require the specific set of steps.

Concerning the restriction between Group I and Group II, from this chart, it is apparent that Claim 24 requires a particular culture ingredient (0.1-1 mM sodium butyrate) which is encompassed by Claim 20's more generic phrase "suitable growth media." If the claims had recited a list of other mutually exclusive ingredients for culturing the cells, restriction between the species may have been permitted under 37 CFR 1.146, however the generic claim 20 would need to have been examined with the elected species. Here, the claim set does not recite other mutually exclusive ingredients for culturing the cells. For this reason, restriction between Group I and Group II is not warranted.

Concerning the restriction between Group I and Group III, from this chart, it is apparent that Claim 26 requires a particular polypeptide recovery scheme which is encompassed by Claim 20's more generic phrase "recovering the expressed polypeptide(s)." If the claims had recited a list of other mutually exclusive steps for recovering the polypeptide, restriction between the different purification schemes may have been permitted under MPEP 809, linking claim practice, however, in that circumstance, the generic claim 20 would have then been examined with the elected recovery process. Here, the claim set does not recite other mutually exclusive steps for recovering the polypeptide. For this reason, restriction between Group I and Group III is not warranted.

Further, the examiner has separated methods depending upon the culturing condition of Claim 24 and the recovery steps of claim 26, both of which are dependent upon the shared steps of transfecting and culturing cells of Claim 20. Both claim 20 and claim 26 require the step of recovering the expressed polypeptide. Both Claim 20 and 24 require the step of culturing the cells. As such, the claims are not patentably distinct from each other. The rationale that "the Office restricts between these two types of claims" is not sufficient to justify this sort of division. This type of division would result in patents containing overlapping subject matter and is not warranted under MPEP Chapter 806.05.

"Where two or more related inventions are claimed, the principal question to be determined in connection with a requirement to restrict or a rejection on the ground of double patenting is whether or not the inventions as claimed are distinct. If they are distinct, restriction may be proper. If they are not distinct, restriction is never proper. If nondistinct inventions are claimed in separate applications or patents, double patenting must be held, except where the additional applications were filed consonant with a requirement to restrict." (Emphasis added)

Next, applicants requested reconsideration of the election of species requirement made between the type of vector recited in claims 13-14 and the type of cells recited in claims 18-19.

13. (Original) The vector of claim 10 that is a eukaryotic vector.
14. (Original) The vector of claim 10 that is a *Pichia* vector, an *E. coli* vector, or a viral vector.

17. (Original) The cell of claim 15 that is a eukaryotic cell.
18. (Original) The cell of claim 15 selected from among a bacterial cell, a yeast cell, a plant cell, an insect cell and a mammalian cell.

These requirements are problematic for two reasons. First, both of these requirements are placing applicants in the position of electing between a genus (eukaryotic vector of claim 13 or eukaryotic cells of claim 17) and a species (one of the vectors of claim 14 or one of the cells of claim 18). However, the Office cannot require restriction between a genus and a species. See MPEP 806.04(f):

“Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope.”

Second, both requirements are couched in terms of the “combination of claims.” This language appears to be confusing restriction between combination and subcombinations with election of species requirement.

This application contains claims directed to the following patentably distinct species.

- A) If Applicant elects Group 1, in the combination of claims 13 and 14, Applicant must elect whether the vector is eukaryotic or *Pichia* or *E. coli* or viral.

Here, a vector is a composite which may be composed of (for example) a viral backbone sequence containing an insert of eukaryotic expression sequences flanking an expressed *E. coli* or *Pichia* sequence. Other combinations are possible. For these reasons, the requirement to elect a particular type of vector (eukaryotic, *Pichia* or *E. coli* or viral) is not warranted.

The requirement to make a provisional election of a host cell from claim 18 is warranted, given the distinction between the types of cells.

DECISION

The petition filed under 37 CFR 1.144 on 4 November 2011 is **GRANTED-IN-PART** as follows.

The restriction requirement made between Group I, Group II and Group III has been withdrawn.

The requirement to provisionally elect a single type of vector is withdrawn.

The requirement to provisionally elect a single type cell from claim 18 is maintained. Should generic claim 17 become allowable, this requirement would be withdrawn.

The application will be forwarded to the examiner for preparation of an Office action consistent with this decision.

Any request for reconsideration under 37 CFR 1.181 must be filed within two (2) months of the mail date of this petition decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

A handwritten signature in cursive script that reads "George C. Elliott".

George Elliott
Director, Technology Center 1600



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SEP 07 2010

OFFICE OF PETITIONS

In re Application of :
O'Connell, Renee :
Application No. 12/455,707 :
Filed: June 6, 2009 :
Attorney Docket No. 2007-272 :

NOTICE

This is a notice regarding your request, filed August 5, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

Your fee deficiency submission under 37 CFR 1.28 is hereby **REJECTED**.

The Correction of Entity Status is not currently signed. 37 CFR 1.33 states all amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii), filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions



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OCT 18 2010

In re Application of : **OFFICE OF PETITIONS**
O'Connell, Renee :
Application No. 12/455,707 : **NOTICE**
Filed: June 6, 2009 :
Attorney Docket No. 2007-272 :

This is a notice regarding your request, filed September 27, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application and subsequent patent must be paid at the large entity rate.

Liana Walsh
Petitions Examiner
Office of Petitions



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DEC 13 2010

OFFICE OF PETITIONS

In re Application: :
Renee O'Connell :
Application No. 12/455,717 : **ON PETITION**
Filed: June 6, 2009 :
Attorney Docket No. 2007-277 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 28, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent regarding this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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MAR 21 2011
OFFICE OF PETITIONS

In re Application of O'Connell :
Application No. 12/455,717 : Decision on Petition
Filing Date: June 6, 2009 :
Attorney Docket No. 2007-277 :

This is a decision on the petition under 37 CFR 1.181 filed November 22, 2010, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

Facts

The Office mailed a Notice of Allowance on August 2, 2010. The notice required the submission of \$595 for the issue fee.

A paper rescinding a prior non-publication request was filed August 18, 2010.

The following items were filed October 28, 2010:

1. Issue fee transmittal form (PTOL-85b), which indicated applicants were no longer claiming small entity status and indicating applicants were submitting the issue fee and a publication fee,
2. Check for \$1,490,
3. Request for acceptance of \$360 fee deficiency under 37 CFR 1.28(c), and
4. Check for \$360.

The Office mailed a Notice of Abandonment on November 15, 2010. The notice stated the application was abandoned because the Office had not received the issue fee.

Discussion

The instant petition asserts the issue fee was timely submitted.

In view of the paper rescinding the prior non-publication request and the loss of small entity status, Petitioner was required to submit \$1,490, which is the sum of the following two fees:

1. The \$1,190 large-entity issue fee for applications for plant patents, and
2. The \$300 publication fee.

USPTO finance records clearly indicate the Office received a check for \$1,490 on October 28, 2010, along with the issue fee transmittal form. Therefore, *the holding of abandonment is hereby withdrawn.*

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a plant patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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SEP 07 2010

OFFICE OF PETITIONS

In re Application of :
O'Connell, Renee :
Application No. 12/455,720 : NOTICE
Filed: June 6, 2009 :
Attorney Docket No. 2007-275 :

This is a notice regarding your request, filed August 9, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

Your fee deficiency submission under 37 CFR 1.28 is hereby **REJECTED**.

The Correction of Entity Status is not currently signed. 37 CFR 1.33 states all amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii), filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Further correspondence with respect to this matter should be addressed as follows:

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By hand: Customer Window located at:
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Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions



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OCT 18 2010

In re Patent No. PP21407
Issued: October 19, 2010
Application No. 12/455,720
Filed: June 6, 2009
Attorney Docket No. 2007-275

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**OFFICE OF PETITIONS
NOTICE**

This is a notice regarding your request, filed September 27, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This 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.

Liana Walsh
Petitions Examiner
Office of Petitions



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SEP 07 2010

In re Application of : OFFICE OF PETITIONS
O'Connell, Renee :
Application No. 12/455,721 : NOTICE
Filed: June 6, 2009 :
Attorney Docket No. 2007-273 :

This is a notice regarding your request, filed August 9, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

Your fee deficiency submission under 37 CFR 1.28 is hereby **REJECTED**.

The Correction of Entity Status is not currently signed. 37 CFR 1.33 states all amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii), filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

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Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314
- By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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PO BOX 3109
CAMARILLO CA 93011**

MAILED

OCT 18 2010

In re Patent No. PP21406 :
Issue Date: October 19, 2010 :
Application No. 12/455,721 :
Filed: June 6, 2009 :
Attorney Docket No. 2007-273 :

OFFICE OF PETITIONS

NOTICE

This is a notice regarding your request, filed September 27, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This 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.


Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HORTISUSA
PO BOX 3109
CAMARILLO CA 93011

MAILED

SEP 07 2010

In re Application of
O'Connell, Renee
Application No. 12/455,722
Filed: June 6, 2009
Attorney Docket No. 2007-274

OFFICE OF PETITIONS

NOTICE

This is a notice regarding your request, filed August 9, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

Your fee deficiency submission under 37 CFR 1.28 is hereby **REJECTED**.

The Correction of Entity Status is not currently signed. 37 CFR 1.33 states all amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii), filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

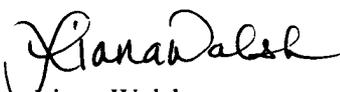
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**HORTISUSA
PO BOX 3109
CAMARILLO CA 93011**

MAILED

OCT 18 2010

In re Patent No. PP21444
Issue Date: November 2, 2010
Application No. 12/455,722
Filed: June 6, 2009
Attorney Docket No. 2007-274

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**OFFICE OF PETITIONS
NOTICE**

This is a notice regarding your request, filed September 27, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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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.


Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/1/2011

TO SPE OF : ART UNIT 1655

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/455 726 Patent No.: 7799355B2

CofC mailroom date: 5/24/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Virginia Tolbert

Certificates of Correction Branch
(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes do not apply.

Denied

State the reasons for denial below.

Comments: Although the application was filed as a divisional of 11/999,130 (filed 12/3/2007), priority to that application was not claimed because the first sentence of the specification lacks the claim of priority and it is not in an ADS. Accordingly, the application is not entitled to the benefit of the provisional application because the provisional was filed more than 1 year prior to the instant priority date.

Jerry a McKehey
TERRY MCKELVEY, PH.D.
SUPERVISORY PATENT EXAMINER

1655
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

July 21, 2011

Jay S. Cinamon
666 Third Avenue
New York, NY 10017-5621

Patent No: 7,799,355 B2
Application No: 12/455,726
Applicant: Rafael Avila
Issued: September 21, 2010
Title: **NATURAL TOPICAL COMPOSITIONS FOR THE PREVENTION AND TREATMENT OF DIAPER RASHES AND RELATED CONDITIONS**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.323.

The error complained on the title page cannot be corrected, per the examiner "Although the application was filed as a divisional of 11/999,130 [filed 12/03/2007], priority to that application was not claimed because the first sentence of the specification lacks the claim of priority and it is not in an ADS. Accordingly, the application is not entitled to the benefit of the provisional application because the provisional was filed more than 1 year prior to the instant priority date".

In view of the foregoing your request in this matter is hereby **denied**.

Further correspondence concerning this matter should be directed to Decisions and Certificate of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460

vt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/5/2012

TO SPE OF : ART UNIT 1655

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/455926 Patent No.: 7799355 B2

CofC mailroom date: 12/22/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Note: Please review Ltr dated
12/22/2011.

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: _____

Terrance McKelvey

TERRY MCKELVEY, PH.D.
SUPERVISORY PATENT EXAMINER

1655

SPE

Art Unit

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	12455746	
Filing Date	05-Jun-2009	
First Named Inventor	Damalie Mulindwa	
Art Unit	3739	
Examiner Name	JARED PIKE	
Attorney Docket Number		
Title	Therapeutic hot and cold water belt	
<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:		23722
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Damalie Mulindwa	
Address	7314 Variel Avenue	
City	Canoga Park	
State	CA	
Postal Code	91303	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Irving Keschner/
Name	Irving Keschner
Registration Number	24547



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 24,2011

In re Application of :

Damalie Mulindwa

Application No : 12455746

Filed : 05-Jun-2009

Attorney Docket No :

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 24,2011

The request is **APPROVED**.

The request was signed by Irving Keschner (registration no. 24547) on behalf of all attorneys/agents associated with Customer Number 23722 . All attorneys/agents associated with Customer Number 23722 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 Damalie Mulindwa
Name2
Address 1 7314 Variel Avenue
Address 2
City Canoga Park
State CA
Postal Code 91303
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 25 2011

OFFICE OF PETITIONS

DON B FINKELSTEIN ESQ
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE CA 90503

In re
Bernardo J. Herzer
Application No. 12/455,790
Filed: June 8, 2009
Patent No. 7,739,996
Issued: June 22, 2010

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed March 23, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$1105, representing the issue fee and 5 terminal disclaimers, is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

July 14, 2011

RODEY, DICKASON, SLOAN, AKIN & ROBB, PA
P.O. BOX 1888
ALBUQUERQUE NM 87103

In re Application of :
Bernie C. Thompson : **DECISION ON PETITION**
Application No. 12455829 :
Filed: 6/5/2009 : **ACCEPTANCE OF COLOR**
Attorney Docket No. 14076-52691 : **DRAWINGS**

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 5, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,854	06/08/2009	Naoki Fukaya	4041P-000135/US	2427
27572	7590	11/08/2011	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			LE, BRIAN Q	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			2624	
			MAIL DATE	DELIVERY MODE
			11/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of

FUKAYA et al.
Application No.: 12/455,854
Filed: 08 June 2009
Attorney Docket No.: 4041P-000135/US
For: IMAGE RECOGNITION
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 request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 19 October 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 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 then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
3. Applicant must
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

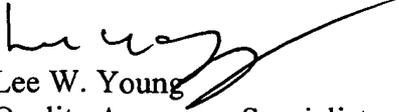
Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. Specifically, the JP claims recite various "means" while the US claims recite various "circuitry." The term "circuitry" is narrower in scope than the general term "means." Terms such as "unit" or "module" would be considered appropriate substitutions for "means" to meet the requirements of this program.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Lee W. Young
Quality Assurance Specialist
Technology Center 2600



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

In re Patent No. VOGEL, TIMOTHY A.
Issue Date: May 31, 2011
Appl No.: 12/455,917
Filed: June 09, 2009
For: INSTRUMENT HOUSING

:
: **DECISION GRANTING**
: **PETITION**
: **37 CFR 1.324**
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:
:

This is a decision on the petition filed 8/8/2011 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Lisa Caputo
Supervisory Patent Examiner
Art Unit 2855
Technology Center 2800

Jeffrey Thurnau
Tomkins, IP Law Dept. 10-A3
1551 Wewatta Street
Denver, CO 80202



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,917	06/09/2009	Timothy A. Vogel	RUS09-053A	9918
	7590	09/19/2011	EXAMINER	
Jeffrey Thurnau Tomkins, IP Law Dept. 10-A3 1551 Wewatta Street Denver, CO 80202			NOORI, MAX H	
			ART UNIT	PAPER NUMBER
			2855	
			MAIL DATE	DELIVERY MODE
			09/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. Box 1450
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www.uspto.gov

SEP 19 2011

In re Patent No. VOGEL, TIMOTHY A.
Issue Date: May 31, 2011
Appl No.: 12/455,917
Filed: June 09, 2009
For: INSTRUMENT HOUSING

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: **DECISION GRANTING**
: **PETITION**
: **37 CFR 1.324**
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This is a decision on the petition filed 8/8/2011 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Lisa Caputo
Supervisory Patent Examiner
Art Unit 2855
Technology Center 2800

Jeffrey Thurnau
Tomkins, IP Law Dept. 10-A3
1551 Wewatta Street
Denver, CO 80202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Muhammad Safadi et al.
U.S. Serial No. : 12/455,976
Filed : June 9, 2009
Confirmation No. : 8367
For : DELAYED RELEASE RASAGILINE CITRATE
FORMULATION

30 Rockefeller Plaza
New York, New York 10112
August 20, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO MAKE AN APPLICATION SPECIAL
BASED ON EXPRESS ABANDONMENT OF ANOTHER COPEING APPLICATION
UNDER 75 Fed. Reg. 36063 and 74 Fed. Reg. 62285**

This Petition is submitted to make the above-identified application special based on express abandonment of another copending application, so that the subject application will be advanced out of turn for examination.

Pursuant to 74 Fed. Reg. 62285, the U.S. Patent and Trademark Office 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;

Applicants: Muhammad Safadi et al.

Serial No.: 12/455,976

Filed: June 9, 2009

Page 2 of 5 of Petition to Make an Application Special

- (2) the 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;
- (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 C.F.R. §1.138(a), signed in compliance with 37 C.F.R. §1.33(b)(1), (b)(3), or (b)(4), in the copending nonprovisional application before it has been taken up for examination, and 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 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 C.F.R. §1.102 in the application for which special status is sought. The petition under 37 C.F.R. §1.102 must identify the basis under which special status is being sought (express abandonment of another copending application), and include a copy of a letter of express abandonment and the statement that accompanies the letter of express abandonment from the copending application that has been expressly abandoned.

75 Fed. Reg. 36063 expanded Patent Application Backlog Reduction Stimulus Plan to permit all applicants to participate by eliminating the small entity status requirement and adding the following new requirements:

Applicants: Muhammad Safadi et al.

Serial No.: 12/455,976

Filed: June 9, 2009

Page 3 of 5 of Petition to Make an Application Special

- (1) the letter of express abandonment filed in the copending nonprovisional application must also 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;
- (2) the applicant has not received special status for more than fourteen other applications under this program; and
- (3) the petition under 37 C.F.R. §1.102 must also:
 - (i) include a specific identification of the relationship between the applications that qualifies the application for special status (e.g., identifying, by name, a common inventor, assignee or owner);
 - (ii) identify, by application number if available, the application that is being expressly abandoned;
 - (iii) provide a statement certifying that applicant has not filed petitions in more than fourteen other applications requesting special status under this program; and
 - (iv) provide 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.

In compliance with the requirements, applicants hereby state that the subject application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009.

Applicants: Muhammad Safadi et al.
Serial No.: 12/455,976
Filed: June 9, 2009
Page 4 of 5 of Petition to Make an Application Special

Applicants also state that U.S. Serial No. 12/291,925 and the subject application were owned as of October 1, 2009 by the same assignee, Teva Pharmaceutical Industries Inc.

Applicants further state that U.S. Serial No. 12/291,925, filed November 13, 2008, which has an actual filing date earlier than October 1, 2009, is complete under 37 C.F.R. 1.53, and has not been taken up for examination, has been expressly abandoned with the required statements. A copy of the Express Abandonment of Patent Application under 37 C.F.R. §1.138 by Assignee Pursuant to 37 C.F.R. §§ 3.71 and 3.73 of U.S. Serial No. 12/291,925 is attached hereto as **Exhibit A**.

Applicants hereby submit a Statement Under 75 Fed. Reg. 36063, attached hereto as **Exhibit B**, certifying that neither the owner nor applicants filed petitions requesting special status under this program in more than fourteen other applications.

Applicants hereby agree to make an election without traverse in a telephonic interview if the U.S. Patent and Trademark Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

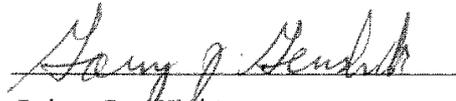
In view of the foregoing, applicant earnestly solicits an advancement of examination of the subject application.

If a telephone interview would be of assistance in resolving any issue in connection with this petition, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicants: Muhammad Safadi et al.
Serial No.: 12/455,976
Filed: June 9, 2009
Page 5 of 5 of Petition to Make an Application Special

Pursuant to 74 Fed. Reg. 62285, no fee is deemed necessary in connection with the filing of this Petition. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
30 Rockefeller Plaza
New York, New York 10112
(212) 278-0400

Certificate of Transmission	
I hereby certify that this correspondence is being transmitted via the Electronic Filing System (EFS) to the U.S. Patent and Trademark Office on August 20, 2010.	
 John P. White	Date
Reg. No. 28,678	
Gary J. Gershik	
Reg. No. 39,992	

5700A3-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nurit Perlman, et al.
Serial No. : 12/291,925
Filed : November 13, 2008
For : PREPARATION OF SITAGLIPTIN INTERMEDIATE

30 Rockefeller Plaza
New York, New York 10112

Mail Stop: Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**EXPRESS ABANDONMENT OF
PATENT APPLICATION UNDER 37 C.F.R. § 1.138
BY ASSIGNEE PURSUANT TO 37 C.F.R. §§ 3.71 AND 3.73**

Teva Pharmaceutical Industries Ltd., having a place of business at 5 Basel Street, Petach-Tikva, Israel 49131, is the assignee of all right, title and interest in the above-identified application by virtue of i) an assignment of right from Nurit Perlman, Marina Etinger, Valerie Niddam-Hidesheim and Mili Abramov to Teva Pharmaceutical Industries Ltd., recorded with the United States Patent and Trademark Office on March 3, 2009 at Reel 022335, Frames 0857-0861, and ii) an assignment of right from Gennady Nisnevich, Boris Fedotev, Lev Yudovich and Elena Goldat to Teva Pharmaceutical Industries Ltd., recorded with the United States Patent and Trademark Office on September 30, 2009 at Reel 023310, Frames 0461-0464.

Pursuant to 37 C.F.R. §§3.71 and 3.73, Teva Pharmaceutical Industries Ltd. hereby expressly abandons the above-identified application for the purpose of making special another application it owns under the program set forth in 75 Fed. Reg. 36063.

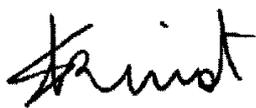
5700-A3-45

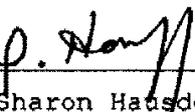
Applicants: Nurit Perlman, et al.
Serial No.: 12/291,925
Filed: November 13, 2008
Page 2

Teva Pharmaceutical Industries Ltd. hereby states that it a) has not and will not file an application that claims the benefit of the above-identified expressly abandoned application under any provision of title 35, United States Code; b) agrees not to request a refund of any fees paid in the above-identified expressly abandoned application; and c) has not and will not file a new application that claims the same invention claimed in the above-identified application.

I am an official authorized to sign this Express Abandonment of Patent Application Under 37 C.R.R. §1.138 on behalf of Teva Pharmaceutical Industries Ltd.

Teva Pharmaceutical Industries Ltd.

By:  Date: Aug. 19, 2010
Rinat Shiran-Rasky
General Patent Counsel

By:  Date: Aug. 19, 2010
Sharon Hausdorff
Associate General Patent Counsel

S700A3US

Dkt. 2609/80123-C/JPW/GJG/ML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Muhammad Safadi et al.
U.S. Serial No. : 12/455,976
Filed : June 9, 2009
For : DELAYED RELEASE RASAGILINE CITRATE
FORMULATION

30 Rockefeller Plaza
New York, New York 10112

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

STATEMENT UNDER 75 FED. REG. 36063

Teva Pharmaceutical Industries Ltd., having a place of business at 5 Basel Street, Petach-Tikva, Israel 49131, is the assignee of all right, title and interest in the above-identified application by virtue of an assignment of right from Muhammad Safadi, Daniella Licht, Rachel Cohen, Anton Frenkel and Marina Zholkovsky to Teva Pharmaceutical Industries Ltd., recorded with the United States Patent and Trademark Office on June 9, 2009 at Reel 022853, Frames 0566-0570.

The undersigned hereby certify that neither the applicants nor Teva Pharmaceutical Industries Ltd. have filed petitions requesting special status under the program described in 75 Fed. Reg. 36063 ("the Application Exchange Program") in more than fourteen other applications.

Applicants: Muhammad Safadi et al.
Serial No.: 12/455,976
Filed: June 9, 2009
Page 2

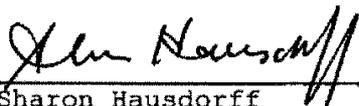
5700A3 US

I am an official authorized to sign this Statement under 75
Fed. Reg. 36063 on behalf of Teva Pharmaceutical Industries
Ltd.

Teva Pharmaceutical Industries Ltd.

By: 
Rinat Shiran-Rasky
General Patent Counsel

Date: Aug 19, 2010

By: 
Sharon Hausdorff
Associate General Patent Counsel

Date: Aug. 19, 2010



COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

AUG 27 2010

OFFICE OF PETITIONS.

In re Application of	:	
SAFADI et al.	:	DECISION ON PETITION
Application No. 12/455,976	:	TO MAKE SPECIAL
Filed: June 9, 2009	:	37 CFR 1.102
Attorney Docket No. 80123-C/JPW/ML	:	

This is a decision on the petition under 37 CFR 1.102, filed August 20, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/455,990	06/10/2009	John William Koenig	11362	7171

27752 7590 03/31/2011
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER

CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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3723

MAIL DATE	DELIVERY MODE
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03/31/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE PROCTER & GAMBLE COMPANY
Global Legal Department- IP
Sycamore Building- 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202
UNITED STATES

In re Application of: John William Koenig et al. DECISION ON PETITION UNDER
Appl. No.: 12/455,990 37 C.F.R. § 1.84(a)(2)
Filed: June 10, 2009
For: PLURAL HUE CLEANING IMPLEMENTS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed June 10, 2009, requesting acceptance of color drawings. The petition requests that all the drawings, which are in color, be accepted as formal drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The patent or application file contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the required specific language as stated above in the brief description of drawings.

Also, MPEP 608.02 states that is anticipated that such a petition will be granted only when the U.S. Patent and Trademark Office has determined that a color drawing or color photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. In the present application, the color drawings or color photographs of Figs. 3 and 4 do not clearly show the multiply re-usable device being substantially a first color having a first hue of the first color and the refill being substantially the first color and having a second hue of the first color, wherein the first hue and the second hue are related by one of the first hue and the second hue being darker than the other, the attachment portion of the device being substantially white.

Thus, the color drawings or color photographs of Figs. 3 and 4 do not clearly show the subject matter to be patented.

Applicant's submission does not meet all the criteria set out above. Accordingly, the petition is **DENIED**.



Joseph J. Hail, III
SPE, AU 3723
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ADAMS AND REESE LLP
1221 MCKINNEY STREET, SUITE 4400
HOUSTON TX 77010

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of :
Huang, et al. : DECISION ON PETITION
Application No. 12/456,000 :
Filed: 10 June, 2009 :
Attorney Docket No. 8898-7 :

This is a decision on the petition filed on 8 March, 2010, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

BACKGROUND

The record reflects as follows:

The application was deposited on 10 June, 2009, without, *inter alia*, a fully executed oath/declaration

On 1 July, 2009, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

Application No. 12/456,000

On 8 March, 2010, Petitioner Jason P. Meuller (Reg. No. 58,602) filed, *inter alia*, a request and fee for extension of time, a petition (with fee) pursuant to 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor Huag for himself and on behalf of non-signing co-inventors Jean Jacques Vanden Eynde (Mr. Vanden Eynde), Aurelie Pietka (Ms. Pietka) and Annie Mayence (Ms. Mayence), with a statement as to the current/valid/reasonably believed to be last known addresses for Mr. Vanden Eynde, Ms. Pietka and Ms. Mayence; the record is unclear that the entire application (description, claims, abstract and drawings) were transmitted with the oath/declaration to the non-signing inventors. However, on 25 May, 2010, Petitioner supplemented his petition and submitted an averment of the joinder of formerly non-signing inventors, and so evidencing that joinder with what are averred to be true copies of their executed oaths/declarations. Petitioner so sought to evidence compliance with the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq. and with 37 C.F.R. §1.63—and so evidence joinder.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **dismissed as moot for joinder**.

In view of the joinder of the inventor, further consideration under 37 C.F.R. §1.47 is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application should not be returned to this Office for any further consideration under 37 C.F.R. §1.47.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

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. 12/456,000

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

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.
12/456,022	06/09/2009	Bosoon Park	0104.07	3325
25295	7590	10/12/2011	EXAMINER	
USDA, ARS, OTT 5601 SUNNYSIDE AVE RM 4-1159 BELTSVILLE, MD 20705-5131			NGUYEN, PHUOC H	
			ART UNIT	PAPER NUMBER
			2443	
			MAIL DATE	DELIVERY MODE
			10/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

USDA, ARS, OTT
5601 SUNNYSIDE AVE
RM 4-1159
BELTSVILLE, MD 20705-5131

OCT 06 2011
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

<i>In re</i> Application of PARK ET AL.	:	
Appl. No.: 12456022	:	DECISION ON PETITION
Filed: 6/9/2009	:	UNDER 37 C.F.R. § 1.84(a)(2)
Atty Docket No.: 0104.07	:	TO ACCEPT COLOR
For: PORTABLE MULTISPECTRAL IMAGING	:	DRAWINGS
SYSTEM	:	
	:	
	:	
	:	

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed June 09, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings (Figs. 1, 7, 9 and 11) be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by: (i) a fee set forth under 37 C.F.R. § 1.17(i); (ii) 3 (three) sets of the color drawings in question, unless the color drawings are submitted via EFS-Web (see 74 FR 55200, 10/27/09) in which case three (3) sets are not required; and (iii) the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings: "the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is DISMISSED as it fails to meets the requirement (iii) above-mentioned.

Any inquiry concerning this decision should be directed to the undersigned at (571)272-3902 or Christopher Grant whose telephone number is (571) 272-7294.

Beatriz Prieto/

Quality Assurance Specialist
Technology Center 2400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Muhammad Safadi et al.
U.S. Serial No. : 12/456,031 Examiner: Layla Soroush
Filed : June 9, 2009 Art Unit: 1627
Confirmation No. : 2503
For : DELAYED RELEASE RASAGILINE BASE
FORMULATION

30 Rockefeller Plaza
New York, New York 10112
September 20, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO MAKE AN APPLICATION SPECIAL
BASED ON EXPRESS ABANDONMENT OF ANOTHER COENDING APPLICATION
UNDER 75 Fed. Reg. 36063 and 74 Fed. Reg. 62285**

This Petition is submitted to make the above-identified application special based on express abandonment of another copending application, so that the subject application will be advanced out of turn for examination.

Pursuant to 74 Fed. Reg. 62285, the U.S. Patent and Trademark Office 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;

Applicants: Muhammad Safadi et al.
Serial No.: 12/456,031
Filed: June 9, 2009
Page 2 of 5 of September 20, 2010 Petition to Make an
Application Special

- (2) the 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;
- (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 C.F.R. §1.138(a), signed in compliance with 37 C.F.R. §1.33(b)(1), (b)(3), or (b)(4), in the copending nonprovisional application before it has been taken up for examination, and 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 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 C.F.R. §1.102 in the application for which special status is sought. The petition under 37 C.F.R. §1.102 must identify the basis under which special status is being sought (express abandonment of another copending application), and include a copy of a letter of express abandonment and the statement that accompanies the letter of express abandonment from the copending application that has been expressly abandoned.

75 Fed. Reg. 36063 expanded Patent Application Backlog Reduction Stimulus Plan to permit all applicants to

Applicants: Muhammad Safadi et al.
Serial No.: 12/456,031
Filed: June 9, 2009
Page 3 of 5 of September 20, 2010 Petition to Make an
Application Special

participate by eliminating the small entity status requirement and adding the following new requirements:

- (1) the letter of express abandonment filed in the copending nonprovisional application must also 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;
- (2) the applicant has not received special status for more than fourteen other applications under this program; and
- (3) the petition under 37 C.F.R. §1.102 must also:
 - (i) include a specific identification of the relationship between the applications that qualifies the application for special status (e.g., identifying, by name, a common inventor, assignee or owner);
 - (ii) identify, by application number if available, the application that is being expressly abandoned;
 - (iii) provide a statement certifying that applicant has not filed petitions in more than fourteen other applications requesting special status under this program; and
 - (iv) provide 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.

In compliance with the requirements, applicants hereby state that the subject application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009.

Applicants: Muhammad Safadi et al.
Serial No.: 12/456,031
Filed: June 9, 2009
Page 4 of 5 of September 20, 2010 Petition to Make an
Application Special

Applicants also state that U.S. Serial No. 12/313,962 and the subject application were owned as of October 1, 2009 by the same assignee, Teva Pharmaceutical Industries Inc.

Applicants further state that U.S. Serial No. 12/313,962, filed November 26, 2008, which has an actual filing date earlier than October 1, 2009, is complete under 37 C.F.R. 1.53, and has not been taken up for examination, has been expressly abandoned with the required statements. A copy of the Express Abandonment of Patent Application under 37 C.F.R. §1.138 by Assignee Pursuant to 37 C.F.R. §§ 3.71 and 3.73 of U.S. Serial No. 12/313,962 is attached hereto as **Exhibit A**.

Applicants hereby submit a Statement Under 75 Fed. Reg. 36063, attached hereto as **Exhibit B**, certifying that neither the owner nor applicants filed petitions requesting special status under this program in more than fourteen other applications.

Applicants hereby agree to make an election without traverse in a telephonic interview if the U.S. Patent and Trademark Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

In view of the foregoing, applicant earnestly solicits an advancement of examination of the subject application.

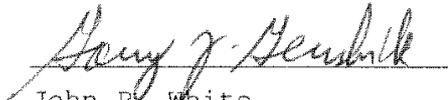
If a telephone interview would be of assistance in resolving any issue in connection with this petition, applicant's

Applicants: Muhammad Safadi et al.
Serial No.: 12/456,031
Filed: June 9, 2009
Page 5 of 5 of September 20, 2010 Petition to Make an
Application Special

undersigned attorney invites the Examiner to telephone him at
the number provided below.

Pursuant to 74 Fed. Reg. 62285, no fee is deemed necessary in
connection with the filing of this Petition. However, if any
additional fee is required, authorization is hereby given to
charge the amount of any such fee to Deposit Account No. 03-
3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
30 Rockefeller Plaza
New York, New York 10112
(212) 278-0400

Certificate of Transmission	
I hereby certify that this correspondence is being transmitted via the Electronic Filing System (EFS) to the U.S. Patent and Trademark Office on September 20, 2010.	
 John P. White	Date
Reg. No. 28,678	
Gary J. Gershik	
Reg. No. 39,992	

5700-B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Eli Lancry, et al.
Serial No. : 12/313,962
Filed : November 26, 2008
For : AMORPHOUS RETAPAMULIN AND PROCESSES FOR
PREPARATION THEREOF

30 Rockefeller Plaza
New York, New York 10112

Mail Stop: Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**EXPRESS ABANDONMENT OF
PATENT APPLICATION UNDER 37 C.F.R. § 1.138
BY ASSIGNEE PURSUANT TO 37 C.F.R. §§ 3.71 AND 3.73**

Teva Pharmaceutical Industries Ltd., having a place of business at 5 Basel Street, Petach-Tikva, Israel 49131, is the assignee of all right, title and interest in the above-identified application by virtue of an assignment of right from Eli Lancry, Lilach Hedvati, Greta Sterimbaum, Ariel Mittelman and Tali Katav to Teva Pharmaceutical Industries Ltd., recorded with the United States Patent and Trademark Office on May 15, 2009 at Reel 022692, Frames 0463-0466.

Pursuant to 37 C.F.R. §§ 3.71 and 3.73, Teva Pharmaceutical Industries Ltd. hereby expressly abandons the above-identified application for the purpose of making special another application it owns under the program set forth in 75 Fed. Reg. 36063.

Teva Pharmaceutical Industries Ltd. hereby states that it a) has not and will not file an application that claims the

Applicants: Eli Lancry, et al.
Serial No.: 12/313,962
Filed: November 26, 2008
Page 2

S700-B

benefit of the above-identified expressly abandoned application under any provision of title 35, United States Code; b) agrees not to request a refund of any fees paid in the above-identified expressly abandoned application; and c) has not and will not file a new application that claims the same invention claimed in the above-identified application.

I am an official authorized to sign this Express Abandonment of Patent Application Under 37 C.R.R. §1.138 on behalf of Teva Pharmaceutical Industries Ltd.

Teva Pharmaceutical Industries Ltd.

By: 
Rinat Shiran-Rasky
General Patent Counsel

Date: Sept. 19, 2010

By: 
Sharon F. Hausdorff
Associate General Patent Counsel

Date: Sept. 19, 2010

5700-B

Dkt. 2609/80123-B/JPW/GJG/ML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Muhammad Safadi et al.
U.S. Serial No. : 12/456,031 Examiner: Layla Soroush
Filed : June 9, 2009 Art Unit: 1627
Confirmation No. : 2503
For : DELAYED RELEASE RASAGILINE BASE
FORMULATION

30 Rockefeller Plaza
New York, New York 10112

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

STATEMENT UNDER 75 FED. REG. 36063

Teva Pharmaceutical Industries Ltd., having a place of business at 5 Basel Street, Petach-Tikva, Israel 49131, is the assignee of all right, title and interest in the above-identified application by virtue of an assignment of right from Muhammad Safadi, Daniella Licht, Rachel Cohen, Anton Frenkel and Marina Zholkovsky to Teva Pharmaceutical Industries Ltd., recorded with the United States Patent and Trademark Office on June 9, 2009 at Reel 022853, Frames 0219-0223.

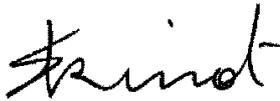
The undersigned hereby certify that neither the applicants nor Teva Pharmaceutical Industries Ltd. have filed petitions requesting special status under the program described in 75 Fed. Reg. 36063 ("the Application Exchange Program") in more than fourteen other applications.

Applicants: Muhammad Safadi et al.
Serial No.: 12/456,031
Filed: June 9, 2009
Page 2

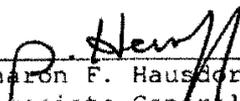
5700-B

I am an official authorized to sign this Statement under 75
Fed. Reg. 36063 on behalf of Teva Pharmaceutical Industries
Ltd.

Teva Pharmaceutical Industries Ltd.

By: 
Rinat Shiran-Rasky
General Patent Counsel

Date: Sept. 19, 2010

By: 
Sharon F. Hausdorff
Associate General Patent Counsel

Date: Sept. 19, 2010



COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

SEP 3 0 2010

OFFICE OF PETITIONS.

In re Application of	:	
SAFADI, et al.	:	DECISION ON PETITION
Application No. 12/456,031	:	TO MAKE SPECIAL
Filed: June 9, 2009	:	37 CFR 1.102
Attorney Docket No. 80123-B/JPW/GJG/ML	:	

This is a decision on the petition under 37 CFR 1.102, filed September 20, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

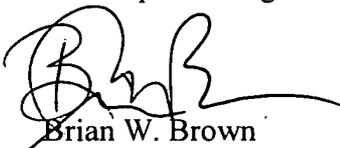
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Carla E. Buterman
Suite 500
555 Skokie Blvd.
Northbrook IL 60062

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of
Francisco Flecha
Application No. 12/456048
Filing or 371(c) Date: 06/12/2009
Title of Invention:
SPRING-LOADED FISHING LURE

:
:
:
DECISION
:
ON PETITION
:
:

This is a decision on the "Petition to Revive Patent Application Unintentionally Abandoned Under 37 CFR 1.137(b)," filed March 29, 2010.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed July 6, 2009. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No timely and proper reply having been received, the application became abandoned on September 7, 2009. A Notice of Abandonment was mailed March 16, 2010.

The present petition filed under 37 CFR 1.137(b)

Applicant files the present petition under 37 CFR 1.137(b), and includes a corrected Specification and an Unmarked Corrected Application, and fees.

Applicable law, Rules and MPEP

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed;

(2) the petition fee as set forth in 37 CFR 1.17(m);
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The present petition lacks item (1).

Analysis and conclusion

As to item (1), a review of the Notice reveals that the Notice required a substitute specification with markings and a clean version (without markings) as set forth in 37 CFR 1.125(c), and a statement that the substitute specification contains no new matter. Also required were the application search fee and examination fee.

Applicant has failed to file a substitute specification with markings and a statement that the substitute specification contains no new matter.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this decision only should be directed to the undersigned at (571) 272-3232. All other inquiries should be directed to the applicable Office.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Carla E. Buterman
Suite 500
555 Skokie Blvd.
Northbrook IL 60062

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of	:	
Francisco Flecha	:	
Application No. 12/456048	:	DECISION
Filing or 371(c) Date: 06/12/2009	:	ON PETITION
Title of Invention:	:	
SPRING-LOADED FISHING LURE	:	

This is a decision on the "Request for Reconsideration of Petition Under 37 CFR 1.137(b)," filed September 7, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed July 6, 2009. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No timely and proper reply having been received, the application became abandoned on September 7, 2009. A Notice of Abandonment was mailed March 16, 2010.

Applicant files the present renewed petition and response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee (previously filed); and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to the Office of Patent Application Processing ("OPAP") for processing of the reply to the Notice in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHERNOFF VILHAUER MCCLUNG & STENZEL, LLP
601 SW SECOND AVENUE
SUITE 1600
PORTLAND, OR 97204-3157

MAILED

SEP 23 2011

In re Application of
Eric W. Strid et al
Application No. 12/456,118
Filed: June 10, 2009
Attorney Docket No. 1016.2069

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 29, 2011.

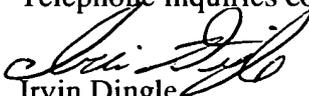
The request is **APPROVED**.

The request was signed by Kevin L. Russell on behalf of the practitioners of record associated with Customer Number 00152.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Cascade Microtech, Inc. at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Cascade Microtech, Inc
Attn: Joe Shallenburger
9100 SW Gemini Drive
Beaverton, OR 97008



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
12/456,118	06/10/2009	Eric W. Strid	1016.2069

CONFIRMATION NO. 1754

POWER OF ATTORNEY NOTICE



152
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
601 SW Second Avenue
Suite 1600
PORTLAND, OR 97204-3157

Date Mailed: 09/23/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/29/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/456,118	06/10/2009	Eric W. Strid	1016.2069

Cascade Microtech, Inc.
Attn: Joe Shallenburger
9100 SW Gemini Drive
Beaverton, OR 97008

CONFIRMATION NO. 1754
POA ACCEPTANCE LETTER



Date Mailed: 09/23/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/29/2011.

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/ dingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Brian E. Richardson
APPLICATION NO.: 12/456,123
FILING DATE: June 11, 2009
TITLE: Optical System with Reflectors and Light Pipes
ART UNIT: 2875
CONFIRM. NO.: 1173
ATTY. DKT. NO.: PA5132US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION FOR GREEN TECH PILOT PROGRAM

1. The Applicant filed a Petition to Make Special under the Green Technology Pilot Program on Dec. 22, 2009. The petition was denied based solely on the basis that the application did not meet the classification requirement.
2. As per the notice in the Federal Register dated May 21, 2010, regarding the removal of the classification requirement, the Applicant renewed the Petition to Make Special under the Green Technology program on June 10, 2010.
3. The renewed petition was denied on July 13, 2010. In this second denial of the petition, Quality Assurance Specialist Lee Young now contends that it is not clear how the invention would materially contribute to the conservation of energy resources.

4. In a phone conversation with the Applicant's undersigned representative, Mr. Young acknowledged that the specification clearly states that LEDs are used in the device, and recognized that LEDs provide more efficient lighting than is used in current art LCD displays. Mr. Young contended that the element providing the energy saving, LEDs in this case, must be explicitly recited in the claims.

5. The Applicant thanks Mr. Young for his courtesy and the time taken in the phone conversation, and for his explanation of his interpretation of the petition requirements. However, the Applicant contends that the guidelines for the "Green Tech" Program contain no requirement of explicit statement in the claims, only that the *disclosure* (specification, claims, drawings, and abstract) taken as a whole makes clear the basis for inclusion. Regardless of the Applicant's contention, to speed prosecution of the case and to ensure participation in the "Green Tech" program, the Applicant has on this date filed a preliminary amendment (copy attached hereto) to amend the claims to specifically recite the use of LEDs. The Applicant trusts that entry into the "Green Tech" program will be speedily granted.

Respectfully submitted,
Brian E. Richardson

Date: August 13, 2010

By: /Keith Kline/
Keith Kline (Reg. No. 32,737)
CARR & FERRELL LLP
2200 Geng Road
Palo Alto, CA 94303
T: 650.812.3400
F: 650.812.3444

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Brian E. Richardson
APPLICATION NO.: 12/456,123
FILING DATE: June 11, 2009
TITLE: Optical System with Reflectors and Light Pipes
ART UNIT: 2875
CONFIRM. NO.: 1173
ATTY. DKT. NO.: PA5132US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION FOR GREEN TECH PILOT PROGRAM

The Applicant filed a Petition to Make Special under the Green Technology Pilot Program on Dec. 22, 2009. The petition stands currently denied due to the fact that the application currently includes total claims in excess of twenty. The Applicant has on this date filed a preliminary amendment to reduce the number of claims to twenty. The Applicant trusts that entry into the "Green Tech" program will be speedily granted.

Respectfully submitted,
Brian E. Richardson

Date: September 9, 2010

By: /Keith Kline/
Keith Kline (Reg. No. 32,737)
CARR & FERRELL LLP
2200 Geng Road
Palo Alto, CA 94303
T: 650.812.3400
F: 650.812.3444



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.
12/456,123	06/11/2009	Brian Edward Richardson	PA5132US	1173
22830	7590	09/01/2010	EXAMINER	
CARR & FERRELL LLP			ALLEN, DANIELLE NICOLE	
2200 GENG ROAD			ART UNIT	PAPER NUMBER
PALO ALTO, CA 94303			2875	
			MAIL DATE	DELIVERY MODE
			09/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of :
Brian Edward RICHARDSON :
Application No. 12/456,123 :
Filed: 11 June 2009 :
Attorney Docket No. PA5132US :
DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 22 December 2009 and renewed on 10 June 2010 and 13 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **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 and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

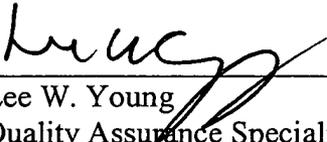
The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 1.

In regard to item 1, the preliminary amendment filed with the renewed petition included a total of 21 claims. Item 1 above limits the total claims to 20. Accordingly, the renewed petition cannot be granted. Claims 15-21 would have qualified for the Green Technology Pilot Program.

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 2875 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/456,123	06/11/2009	Brian Edward Richardson	PA5132US	1173

22830 7590 10/14/2010
CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK, CA 94025

EXAMINER

ALLEN, DANIELLE NICOLE

ART UNIT	PAPER NUMBER
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2875

MAIL DATE	DELIVERY MODE
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10/14/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



CARR & FERRELL LLP
2200 GENG ROAD
PALO ALTO CA 94303

In re Application of :
Brian Edward RICHARDSON :
Application No. 12/456,123 :
Filed: 11 June 2009 :
Attorney Docket No. PA5132US :
DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 22 December 2009 and renewed on 10 June 2010, 13 August 2010, and 09 September 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is still **DENIED**.

The petition was dismissed on 14 July 2010. The dismissal included a statement that a petition for reconsideration should include an exhaustive attempt to provide the lacking item(s), since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director. A petition for reconsideration was filed on 13 August 2010 and the petition was denied on 01 September 2010. No further reconsideration or review of the matter will be undertaken.

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 2875 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Brian Edward Richardson
APPLICATION NO.: 12/456,123
FILING DATE: June 11, 2009
TITLE: Optical System with Reflectors and Light Pipes
EXAMINER: Danielle Nicole Allen
ART UNIT: 2875
CONF. NO.: 1173
ATTY.DKT.NO.: PA5132US

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**STATEMENT OF SPECIAL STATUS
IN SUPPORT OF PETITION TO MAKE SPECIAL
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

The Applicant respectfully requests the Examiner to advance the present application out of turn for examination (i.e. accelerated examination) through the submission of the present petition. This petition is presented in accordance with 37 C.F.R. § 1.102(c)(2)(ii) and the conditions set forth for such a petition as detailed in MPEP § 708.02(VI) and 74 Fed. Reg. 234 (8 Dec. 2009), pp. 64666-64669.

I. Requirements and Conditions

1. The present application is a non-reissue, non-provisional utility application filed under 35 U.S.C. § 111(a). In addition, the present application was filed on June 11, 2009, prior to December 8, 2009.
2. As per the notice in the Federal Register dated May 21, 2010, the USPTO has removed the classification requirement of the green technology pilot program.
3. The present petition is being filed electronically before December 8, 2010.
4. The Applicant believes that no first action has issued as of the date of the present petition.
5. Please note that this application has been published.

II. Eligibility under MPEP § 708.02(VI)

MPEP § 708.02(VI) notes that “[t]he U.S. Patent and Trademark Office will, on petition, accord "special" status to all patent applications for inventions which materially contribute to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources.” MPEP § 708.02(VI).

The presently claimed invention is directed towards improving the efficiency of a light guide. One of the goals of the invention is “to provide a light guide that is extremely efficient...” *Specification*, p.5, lines 5-6. One class of prior art to be replaced by the present technology is fluorescent lamps. Disposal of fluorescent lamps, due to the mercury used in the lamps, is a serious environmental issue. *Specification*, p. 2, lines 9-13. Other types of prior art devices are simply inefficient. *Specification*, p. 3, lines 15-20. The presently claimed invention seeks to address the issue of wasted energy from inefficient optical systems and of

disposal of fluorescent lamps by utilizing LEDs in an optical system. *Specification*, p. 7, lines 1-3. The use of LEDs completely eliminates the problem of fluorescent lamp disposal. The use of LEDs in conjunction with the reflectors as disclosed in the present application increase the efficiency, and therefore reduces the power consumption, of optical systems utilizing the present technology.

The Applicants therefore believe that the present application materially contributes to “(2) the more efficient utilization and conservation of energy resources” and is thus eligible for special status. 74 Fed. Reg. 234, paragraph III, section (2).

III. Conclusion

The Applicants believe that this Petition to Make Special has met all requirements set forth by 37 C.F.R. § 1.102(c)(2)(ii), MPEP § 708.02(VI), and 74 Fed. Reg. 234 (8 Dec. 2009), pp. 64666-64669. The Applicants therefore respectfully request the petition be granted.

Please note that this application has been published.

Respectfully submitted,
Brian Edward Richardson

October 22, 2010

By: /Keith Kline /
Keith Kline, Reg. No. 32,737
Carr & Ferrell LLP
120 Constitution Drive
Menlo Park, California 94025
Phone (650) 812-3400
Fax (650) 812-3444

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **PA 5132US** Application Number (if known): **12/456,123** Filing date: **06/11/2009**

First Named Inventor: **Brian Edward Richardson**

Title: **Optical System with Reflectors and Light Pipes**

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: See attached declaration for prior publication notice.

Signature **/Keith Kline/**

Date **Oct. 22, 2010**

Name (Print/Typed) **Keith Kline**

Registration Number **32,737**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/456,123	06/11/2009	Brian Edward Richardson	PA5132US	1173
22830	7590	04/05/2011	EXAMINER	
CARR & FERRELL LLP			ALLEN, DANIELLE NICOLE	
120 CONSTITUTION DRIVE			ART UNIT	PAPER NUMBER
MENLO PARK, CA 94025			2875	
			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.



CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025

In re Application of	:	
Brian Edward RICHARDSON	:	DECISION ON PETITION
Application No. 12/456,123	:	TO MAKE SPECIAL UNDER
Filed: 11 June 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. PA5132US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on 22 December 2009 and renewed on 10 June 2010, 13 August 2010, and 09 September 2010, and 22 October 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 wholly **DENIED**.

The renewed petition filed 10 June 2010 was dismissed on 14 July 2010. The dismissal included a statement that a petition for reconsideration should include an exhaustive attempt to provide the lacking item(s), since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director. A petition for reconsideration was filed on 13 August 2010 and the petition was denied on 01 September 2010. A renewed petition was filed 09 September 2010 and was denied on 14 October 2010. The denial included a statement that no further reconsideration or review of the matter will be undertaken. A new petition was filed on 22 October 2010. The new petition is whereby denied since the Green Technology pilot only allows applicant one opportunity to remedy a dismissed petition. Any further requests on this matter will be considered as a submission under 37 C.F.R. 11.18 (b) (2) (i) as causing unnecessary delay or needless increase in the cost of proceedings before the Office.

No further reconsideration or review of the matter will be undertaken.

The application has been forwarded to the Technology Center Art Unit 2875 for action in its regular turn.



 Lee W. Young
 Quality Assurance Specialist
 Technology Center 2800



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THOMAS J. MCWILLIAMS
DRINKER BIDDLE & REATH LLP
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Steelberg et al. :
Application No. 12/456,136 : DECISION GRANTING
Filed: June 11, 2009 : PETITION
Attorney Docket No. 203234-0002-02-US :
[439860 :

This is a decision on the petition under 37 CFR 1.10(c), filed June 21, 2010, requesting that the above-identified application be accorded a filing date of June 11, 2009, rather than the presently accorded date of June 10, 2009.

Applicants request the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 11, 2009 pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of Express Mail label No. EV463851645US, showing a "date-in" of June 11, 2009; it also includes a USPS receipt date stamp of June 10, 2009. The same Express Mail receipt number was placed on the original patent application transmittal letter of record in the official file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on June 11, 2009, as shown by the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of June 11, 2009, and has been so accorded.

In view of the above, the petition is **GRANTED**.

The application is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **June 11, 2009** and issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to Alicia Kelley at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100


Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Ober, Kaler, Grimes & Shriver
120 East Baltimore Street
Baltimore MD 21202-1643

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Application of :
Woods, Kothera, and Wereley :
Application No. 12/456,139 : DECISION ON PETITION
Filed: June 11, 2009 : PURSUANT TO
Attorney Docket No. 029410.082206 : 37 C.F.R. § 1.182
Title: FLUIDIC ARTIFICIAL MUSCLE :
ACTUATOR AND SWAGING PROCESS THEREFOR :

This is a decision on the petition pursuant to 37 C.F.R. § 1.182, filed April 29, 2010, requesting a change in the order of the inventors.

Petitioner has submitted the petition fee, along with a listing of the order of the inventors' names that Petitioner prefers.

The petition is **GRANTED**.

The order of the names of the inventors has been changed as follows:

Benjamin K. S. Woods
Curt Kothera
Norman M. Wereley

A filing receipt reflecting this change is enclosed.

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 present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Corrected Filing Receipt

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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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
12/456,139	06/11/2009	3644	766	029410.082206	26	2

CONFIRMATION NO. 9737

CORRECTED FILING RECEIPT

Ober, Kaler, Grimes & Shriver
120 East Baltimore Street
Baltimore, MD 21202-1643



Date Mailed: 09/07/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Benjamin K.S. Woods, College Park, MD;
Curt Kothera, Crofton, MD;
Norman M. Wereley, Potomac, MD;

Power of Attorney:

Royal Craig--34145

Domestic Priority data as claimed by applicant

This application is a CIP of 11/502,360 08/11/2006
and claims benefit of 61/131,719 06/11/2008

Foreign Applications

If Required, Foreign Filing License Granted: 06/29/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/456,139**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Fluidic artificial muscle actuator and swaging process therefor

Preliminary Class

244

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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Rodney K. Worrel
Worrel & Worrel
St. Croix Professional Center
2109 W. Bullard Avenue, Suite 121
Fresno CA 93711-1258

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Donald M. Serimian :
Application No. 12/456,159 : DECISION ON PETITION
Filed: June 15, 2009 :
Attorney Docket No. W-4367 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 31, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 26, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 27, 2010.

A reply was received on November 23, 2010, along with a petition for a three month extension of time. The check in the amount of \$555 was returned for insufficient funds, therefore the reply was not timely filed.

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 \$555 extension of time fee submitted with the petition on January 31, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded by treasury check.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (2).

As to item (2) a petition fee of \$810 is due, as required under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/456,163 06/11/2009 David E. Johnston 07844-0716002 / P662C1 5506
7590 01/27/2011
FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022
EXAMINER
BRINEY III, WALTER F
ART UNIT PAPER NUMBER
2614
NOTIFICATION DATE DELIVERY MODE
01/27/2011 ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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January 25, 2011

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS MN 55440-1022

In re Application of Johnston, David E. : **DECISION ON PETITION**
Application No. 12/456163 : **ACCEPTANCE OF COLOR**
Filed: 06/11/2009 : **DRAWINGS**
Attorney Docket: 065284-0650 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 11, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

Docket No. 2609/79261-A/JPW/GJG/ML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ruth Levy et al.
U.S. Serial No.: 12/456,166
Filed : June 12, 2009
For : RASAGILINE FOR PARKINSON'S DISEASE
MODIFICATION

30 Rockefeller Plaza
New York, New York 10112
October 28, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION TO MAKE AN APPLICATION SPECIAL
BASED ON EXPRESS ABANDONMENT OF ANOTHER COPEING APPLICATION
UNDER 75 Fed. Reg. 36063 and 74 Fed. Reg. 62285**

This Petition is submitted to make the above-identified application special based on express abandonment of another copending application, so that the subject application will be advanced out of turn for examination.

Pursuant to 74 Fed. Reg. 62285, the U.S. Patent and Trademark Office 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;

Applicants: Ruth Levy et al.

Serial No.: 12/456,166

Filed: June 12, 2009

Page 2 of 5 of Petition to Make an Application Special

- (2) the 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;
- (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 C.F.R. §1.138(a), signed in compliance with 37 C.F.R. §1.33(b)(1), (b)(3), or (b)(4), in the copending nonprovisional application before it has been taken up for examination, and 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 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 C.F.R. §1.102 in the application for which special status is sought. The petition under 37 C.F.R. §1.102 must identify the basis under which special status is being sought (express abandonment of another copending application), and include a copy of a letter of express abandonment and the statement that accompanies the letter of express abandonment from the copending application that has been expressly abandoned.

75 Fed. Reg. 36063 expanded Patent Application Backlog Reduction Stimulus Plan to permit all applicants to participate by eliminating the small entity status requirement and adding the following new requirements:

Applicants: Ruth Levy et al.

Serial No.: 12/456,166

Filed: June 12, 2009

Page 3 of 5 of Petition to Make an Application Special

- (1) the letter of express abandonment filed in the copending nonprovisional application must also 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;
- (2) the applicant has not received special status for more than fourteen other applications under this program; and
- (3) the petition under 37 C.F.R. §1.102 must also:
 - (i) include a specific identification of the relationship between the applications that qualifies the application for special status (e.g., identifying, by name, a common inventor, assignee or owner);
 - (ii) identify, by application number if available, the application that is being expressly abandoned;
 - (iii) provide a statement certifying that applicant has not filed petitions in more than fourteen other applications requesting special status under this program; and
 - (iv) provide 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.

In compliance with the requirements, applicants hereby state that the subject application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009.

Applicants: Ruth Levy et al.
Serial No.: 12/456,166
Filed: June 12, 2009
Page 4 of 5 of Petition to Make an Application Special

Applicants also state that U.S. Serial No. 12/384,934 and the subject application were owned as of October 1, 2009 by the same assignee, Teva Pharmaceutical Industries Inc.

Applicants further state that U.S. Serial No. 12/384,934, filed April 10, 2009, which has an actual filing date earlier than October 1, 2009, is complete under 37 C.F.R. 1.53, and has not been taken up for examination, has been expressly abandoned with the required statements. A copy of the Express Abandonment of Patent Application under 37 C.F.R. §1.138 by Assignee Pursuant to 37 C.F.R. §§ 3.71 and 3.73 of U.S. Serial No. 12/384,934 is attached hereto as **Exhibit A**.

Applicants hereby submit a Statement Under 75 Fed. Reg. 36063, attached hereto as **Exhibit B**, certifying that neither the owner nor applicants filed petitions requesting special status under this program in more than fourteen other applications.

Applicants hereby agree to make an election without traverse in a telephonic interview if the U.S. Patent and Trademark Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

In view of the foregoing, applicant earnestly solicits an advancement of examination of the subject application.

If a telephone interview would be of assistance in resolving any issue in connection with this petition, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicants: Ruth Levy et al.

Serial No.: 12/456,166

Filed: June 12, 2009

Page 5 of 5 of Petition to Make an Application Special

Pursuant to 74 Fed. Reg. 62285, no fee is deemed necessary in connection with the filing of this Petition. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
Attorneys for Applicants
Cooper & Dunham LLP
30 Rockefeller Plaza
New York, New York 10112
(212) 278-0400

Certificate of Transmission

I hereby certify that this correspondence is being transmitted via the Electronic Filing System (EFS) to the U.S. Patent and Trademark Office on October 28, 2010.



Mike Lin

5495.A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Miri Ben-Ami et al.
Serial No. : 12/384,934
Filed : April 10, 2009
For : METHOD OF TREATING AMYOTROPHIC LATERAL
SCLEROSIS (ALS) USING TALAMPANEL

30 Rockefeller Plaza
New York, New York 10112

Mail Stop: Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**EXPRESS ABANDONMENT OF
PATENT APPLICATION UNDER 37 C.F.R. § 1.138
BY ASSIGNEE PURSUANT TO 37 C.F.R. §§ 3.71 AND 3.73**

Teva Pharmaceutical Industries Ltd., having a place of business at 5 Basel Street, Petach-Tikva, Israel 49131, is the assignee of all right, title and interest in the above-identified application by virtue of an assignment of right from Miri Ben-Ami, Merav Bassan and Ella Sorani to Teva Pharmaceutical Industries Ltd., recorded with the United States Patent and Trademark Office on May 22, 2009 at Reel 022736, Frames 0704-0708.

Pursuant to 37 C.F.R. §§ 3.71 and 3.73, Teva Pharmaceutical Industries Ltd. hereby expressly abandons the above-identified application for the purpose of making special another application it owns under the program set forth in 75 Fed. Reg. 36063.

Applicants: Miri Ben-Ami et al.
Serial No.: 12/384,934
Filed: April 10, 2009
Page 2

5495.A

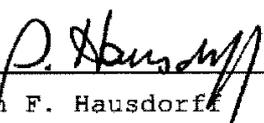
Teva Pharmaceutical Industries Ltd. hereby states that it a) has not and will not file an application that claims the benefit of the above-identified expressly abandoned application under any provision of title 35, United States Code; b) agrees not to request a refund of any fees paid in the above-identified expressly abandoned application; and c) has not and will not file a new application that claims the same invention claimed in the above-identified application.

I am an official authorized to sign this Express Abandonment of Patent Application Under 37 C.R.R. §1.138 on behalf of Teva Pharmaceutical Industries Ltd.

Teva Pharmaceutical Industries Ltd.

By: 
Rinat Shiran-Rasky
General Patent Counsel

Date: Oct. 27, 2010

By: 
Sharon F. Hausdorff
Associate General Patent Counsel

Date: Oct. 27, 2010

5495-A

Docket No. 2609/79261-A/JPW/GJG/ML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ruth Levy et al.
U.S. Serial No.: 12/456,166
Filed : June 12, 2009
For : RASAGILINE FOR PARKINSON'S DISEASE
MODIFICATION

30 Rockefeller Plaza
New York, New York 10112

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

STATEMENT UNDER 75 FED. REG. 36063

Teva Pharmaceutical Industries Ltd., having a place of business at 5 Basel Street, Petach-Tikva, Israel 49131, is the assignee of all right, title and interest in the above-identified application by virtue of an assignment of right from Ruth Levy, Eli Eyal, Tamar Goren, Sheila Oren, Naim Sayag, Yonatan Weiss, and Miri Ben-Ami to Teva Pharmaceutical Industries Ltd., recorded with the United States Patent and Trademark Office on August 7, 2009 at Reel 023081, Frames 0730-0738.

The undersigned hereby certify that neither the applicants nor Teva Pharmaceutical Industries Ltd. have filed petitions requesting special status under the program described in 75 Fed. Reg. 36063 ("the Application Exchange Program") in more than fourteen other applications.

Applicants: Muhammad Safadi et al.
Serial No.: 12/456,166
Filed: June 12, 2009
Page 2

SH95.A

I am an official authorized to sign this Statement under 75
Fed. Reg. 36063 on behalf of Teva Pharmaceutical Industries
Ltd.

Teva Pharmaceutical Industries Ltd.

By: 
Rinat Shiran-Rasky
General Patent Counsel

Date: Oct. 27 2010

By: 
Sharon F. Hausdorff
Associate General Patent Counsel

Date: Oct. 27 2010



COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

NOV 02 2010

In re Application of	:	OFFICE OF PETITIONS
LEVY, et al.	:	DECISION ON PETITION
Application No. 12/456,166	:	TO MAKE SPECIAL
Filed: June 12, 2009	:	37 CFR 1.102
Attorney Docket No. 79261-A/JPW/GJG/ML	:	

This is a decision on the petition under 37 CFR 1.102, filed October 28, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

- a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks Item 4a-c above.

A review of United States Patent and Trademark Office records reveals that a letter of Express Abandonment has not yet been filed in Application No. 12/384,934. As such, the required statements that the applicant (a) has not and will not file a new application that claims the same invention claimed in the expressly abandoned application, (b) has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and (c) agrees not to request a refund of any fees paid in the expressly abandoned application have not been satisfied. As such, the present petition to make special must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1627 for action in its regular turn.


Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL L. WACH
4425 MARINERS RIDGE
ALPHARETTA GA 30005

MAILED
DEC 15 2010
OFFICE OF PETITIONS

In re Application of :
Michael L. WACH :
Application No. 12/456,203 : **DECISION ON PETITION**
Filed: June 12, 2009 :
Attorney Docket No. 501.1002.CON :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 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, April 1, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center.

This application is being referred to Technology Center AU 2613 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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Page 1. Mobile Personal Website Johan Wikman Nokia Research Center **Ferenc Dósa Rácz**† Nokia Research Center 1 INTRODUCTION Most, if not all, smartphones of today are, in terms of processing power and the amount ...
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... First International Software Metrics, May 1993, 4. Program Visualization, Software Documentation, and UML Simplification of Class Diagrams Using Graph Compression Techniques Authors: **Ferenc Dosa Racz** and Kai Koskimies Emails: **ferenc.dosa**@nokia.com, kko@cs.tut. ...
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DOSA-RACZ, FERENC

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	12/456,219
				Filing Date	06-12-09
				First Named Inventor	Katja Nykänen
				Art Unit	2431
				Examiner Name	Not yet assigned
				Attorney Docket Number	P3435US01
Sheet	2	of	2		

NON PATENT LITERATURE DOCUMENTS			
Examiner initial *	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	3	European Office action for corresponding EP Patent Application No. 05780193.8 - 1225 dated July 20, 2010, 1 page.	<input type="checkbox"/>
	4	Japanese Office action for corresponding JP App. No. 2008-516351, dated July 06, 2010, pp. 1-10.	<input checked="" type="checkbox"/>
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Examiner Signature	/Brahim Bourzik/	Date Considered	05/23/2011
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* EXAMINER: Initial if reference 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 applicant.

1. Applicants unique citation designation number. (optional) 2. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form 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, 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.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.E

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				Application Number	12/456,219
				Filing Date	06-12-09
				First Named Inventor	Katja Nykänen
				Art Unit	2431
				Examiner Name	Not yet assigned
				Attorney Docket Number	P3435US01
Sheet	1	of	1		

NON PATENT LITERATURE DOCUMENTS			
Examiner initial *	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	Extened European Search Report for corresponding European Patent Application No. 05780193.8 - 1225 dated February 24, 2010, pp. 1-5.	<input type="checkbox"/>
	2	Korean Office Action for corresponding Korean Application No. 10-2008-7000792, dated July 30, 2009, KOREA, pp. 1-14.	<input checked="" type="checkbox"/>
	3	Office Action for corresponding Chinese Application No. 200580051012.6, dated June 26, 2009, CHINA, pp. 1-12.	<input checked="" type="checkbox"/>
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Examiner Signature	/Brahim Bourzik/	Date Considered	05/23/2011
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* EXAMINER: Initial if reference 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 applicant.

1. Applicants unique citation designation number. (optional) 2. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form 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, 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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Under the Paperwork reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

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				First Named Inventor	Katja Nykänen
				Art Unit	2431
				Examiner Name	Not yet assigned
				Attorney Docket Number	P3435US01
Sheet	2	of	2		

NON PATENT LITERATURE DOCUMENTS			
Examiner initial *	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	2	Korean Office Action for corresponding Korean Application No. 10-2008-7000792, dated February 18, 2010, KOREA, 6 pages.	<input checked="" type="checkbox"/>
	3	Russian Office Action for corresponding Russian Application No. 2008100147/09(000166) dated February 03, 2010, RUSSIA, 9 pages.	<input checked="" type="checkbox"/>
	4	Russian Office Action for corresponding Russian Application No. 2008100147/09(000166) dated June 10, 2009, RUSSIA, 10 pages.	<input checked="" type="checkbox"/>
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Examiner Signature	/Brahim Bourzik/	Date Considered	05/23/2011
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* EXAMINER: Initial if reference 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 applicant.

1. Applicants unique citation designation number. (optional) 2. Applicant is to place a check mark here if English language Translation is attached.

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RICHARD K THOMSON, ATTORNEY
7691 FAIRLANE DRIVE
FAIRVIEW PA 16415

MAILED

JUL 14 2011

In re Application of	:	OFFICE OF PETITIONS
Ryan S. Rzepecki	:	
Application No. 12/456,227	:	DECISION ON PETITION
Filed: June 12, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. AD#-317	:	

This is a decision on the petition, filed April 11, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A review of the file record discloses that petitioner did submit a nonpublication request under 35 U.S.C. 122(b). On April 11, 2011, petitioner submitted a Notification of Foreign Filing pursuant to 37 CFR 1.213(c). However, the Notification was not accompanied by the statement "I hereby **rescind** the previous nonpublication request" required by 37 CFR 1.213(b). Accordingly, the petition cannot be granted at this time. A PTO/SB/36 form for Rescission of Previous Nonpublication Request has been enclosed for petitioner's convenience.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

A handwritten signature in black ink, appearing to read 'R. Krishnamurthy', followed by the initials '(for)' in parentheses.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

ATTACHMENT: PTO/SB/36 Rescission of Previous Nonpublication Request Form



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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WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

MAILED

SEP 20 2011

OFFICE OF PETITIONS

In re Application of :
S. Ryan Rzepecki :
Application No. 12/456,227 : **DECISION ON PETITION**
Filed: June 12, 2009 : **UNDER 37 CFR 1.137(b)**
Attorney Docket No. 2206139.00124US1 :

This is a decision on the petition filed July 28, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on June 11, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

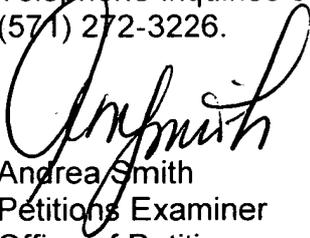
- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of December 15, 2011, accompanies this decision on petition.

This application is being referred to Technology Center Art Unit 3689 for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 4 columns: APPLICATION NUMBER (12/456,227), FILING OR 371(C) DATE (06/12/2009), FIRST NAMED APPLICANT (S. Ryan Rzepecki), ATTY. DOCKET NO./TITLE (2206139.00124US1)

CONFIRMATION NO. 4896

23483
WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

NONPUBLICATION RESCISSION
LETTER



Date Mailed: 09/06/2011

Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/15/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

1 Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/amsmith/

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
P.O. Box 1450
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SEP 27 2011
OFFICE OF PETITIONS

**Law Office of Martin Jerisat
Suite 3300
10 S. LaSalle Street
Chicago IL 60603**

In re Application of	:	
Henry Camp	:	
Application No. 12/456,230	:	DECISION ON PETITION
Filed: June 15, 2009	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 19, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Martin Jerisat on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Henry Kamp
17204 Deer Creek Drive
Orland Park, IL 60467



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
12/456,230	06/15/2009	Henry Kamp	

CONFIRMATION NO. 8273

POWER OF ATTORNEY NOTICE

Law Office of Martin Jerisat
Suite 3300
10 S. LaSalle Street
Chicago, IL 60603



Date Mailed: 09/26/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/19/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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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REED SMITH LLP
P.O. BOX 488
PITTSBURGH PA 15230-0488

MAILED

AUG 30 2011

In re Application of :
Peter K. Hobe et al. :
Application No. 12/456,251 : **OFFICE OF PETITIONS**
Filed: June 12, 2009 : **DECISION ON PETITION**
Attorney Docket No. **11-009-US** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected drawings on or before July 20, 2011, as required by the Notice of Allowability, mailed April 20, 2011. Accordingly, the date of abandonment of this application is July 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 corrected drawings, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

**AIR FORCE RESEARCH LABORATORY RIJ
26 ELECTRONIC PARKWAY
ROME NY 13441-4514**

MAILED

JUL 27 2011

OFFICE OF PETITIONS

In re Application of	:	
Paul ANTONIK et al.	:	DECISION DISMISSED PETITION
Application No. 12/456,269	:	UNDER 37 CFR 1.181
Filed: June 5, 2009	:	
Atty. Docket No.: RL10,084	:	

This is a decision on the petition, filed 13 January 2011 as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision, *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application was held abandoned for failure to reply in a timely manner to the Election/Restriction requirement mailed June 4, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days, whichever was longer. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. A Notice of Abandonment was mailed January 4, 2011.

A grantable petition under 37 CFR 1.181 requires: (1) evidence that an Office action was not received, or (2) evidence that an appropriate reply was timely mailed or filed. The present petition satisfies neither item (1) nor (2). Petitioner asserts an appropriate reply was timely filed and has supplied a postcard receipt as evidence. However, as also admitted by petitioner, the postcard receipt shows that the reply was received on July 12, 2010, as the postcard receipt is stamped "July 12, 2010". As the petition lacks sufficient evidence to show a reply was timely filed, the petition is not grantable.

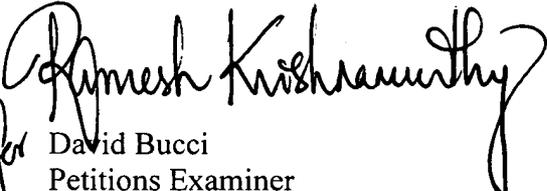
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).


for David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

AUG 25 2011

OFFICE OF PETITIONS

**AIR FORCE RESEARCH LABORATORY RIJ
26 ELECTRONIC PARKWAY
ROME NY 13441-4514**

In re Application of :
Paul ANTONIK et al. : ON PETITION
Application No. 12/456,269 :
Filed: June 5, 2009 :
Atty. Docket No.: RL10,084 :

This is in response to the petition under 37 CFR 1.137(b), filed August 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Requirement for Restriction/Election mailed June 4, 2010 (outstanding Office action), which set a shortened period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned July 5, 2010. A Notice of Abandonment was mailed January 4, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action mailed June 4, 2010, (2) the petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 3662 for further action on the Response.


for Anthony Knight
Director
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MALVERN U. GRIFFIN III
SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET NE
ATLANTA GA 30309

MAILED

OCT 27 2010

OFFICE OF PETITIONS

In re Application of :
Chan et al. :
Application No. 12/456,287 : **DECISION ON PETITION**
Filed: June 15, 2009 :
Attorney Docket No. D617 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 13, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 24, 2010, as required by the Notice of Allowance and Fee(s) Due mailed May 24, 2010. Accordingly, the date of abandonment of this application is August 25, 2010. A Notice of Abandonment was mailed September 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 payment of the issue fee of \$755.00 and the publication fee of \$300.00, (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.


Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM S RAMSEY, ESQ
5253 EVEN STAR PLACE
COLUMBIA, MD 21044

MAILED

OCT 18 2010

In re Application of : **OFFICE OF PETITIONS**
Kyung Ja Kay Choi :
Application No. 12/456,301 : **DECISION ON PETITION**
Filed: June 15, 2009 :
Attorney Docket No. HZ1 :

This is a decision on the petition, filed August 9, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice of Omitted Item(s) in a Nonprovisional Application (Notice) mailed July 8, 2009, which set a two (2) month period for reply. A Notice of Abandonment was mailed on July 8, 2010.

A review of the written record indicates no irregularity in the mailing of the Notice and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.



Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: A courtesy copy of the July 8, 2009 Notice of Omitted Item(s) in a Nonprovisional Application



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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Table with 4 columns: APPLICATION NUMBER (12/456,301), FILING OR 371(C) DATE (06/15/2009), FIRST NAMED APPLICANT (Kyung Ja Kay Choi), ATTY. DOCKET NO./TITLE (HZ1)

CONFIRMATION NO. 9466

FORMALITIES LETTER

24912
WILLIAM S RAMSEY, ESQ
5253 EVEN STAR PLACE
COLUMBIA, MD 21044



Date Mailed: 07/08/2009

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION
FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 4 described in the specification.

Applicant must reply to this notice within the time period set forth in this notice to avoid abandonment of this application. Applicant must select one of the three following options and the reply must comply with the requirements set forth in the selected option and any other requirements set forth in this notice. The reply should also indicate which option applicant has selected.

I. Petition for date of deposit: Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO. THIS TWO MONTH PERIOD IS EXTENDABLE UNDER 37 CFR 1.136(a) or (b).

II. Petition for later filing date: Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(f))) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice. THIS TWO MONTH PERIOD IS EXTENDABLE UNDER 37 CFR 1.136(a) or (b).

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. Acceptance of application as deposited: Applicant may accept the application as deposited in the USPTO by filing an appropriate amendment as set forth in either (A) or (B) below within TWO MONTHS of the date of this Notice. THIS TWO MONTH PERIOD IS EXTENDABLE UNDER 37 CFR 1.136(a) or (b). The application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit. A petition is not required for this option.

(A) If applicant wants to accept the application as deposited without adding the subject matter that was in the omitted item (e.g., a missing page or figure), applicant is required to submit one or more of the following items without adding any new matter (see 35 U.S.C. 132(a)):

1. For a missing page of the specification,
 - a) a substitute specification including claims that amends the specification to renumber the pages consecutively and cancels any incomplete sentences, and
 - b) a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125;
2. For a missing figure of the drawings,
 - a) replacement drawing sheets in compliance with 37 CFR 1.121(d) to renumber the drawing figures consecutively (if necessary),
 - b) a substitute specification excluding claims that amends the specification to cancel any references to any omitted drawing(s) and corrects the references in the specification to the drawing figures to correspond with any relabeled drawing figures, and
 - c) a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125;
3. For a missing page of the claim listing only, a replacement claim listing with the claims renumbered consecutively or, if amendment to the claims is also necessary, then a complete claim listing in compliance with 37 CFR 1.121(c);
4. For a missing or unreadable compact disc,
 - a) a substitute specification (excluding the claims) deleting the reference to the compact disc and the files contained on the compact disc, and
 - b) a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125; and
5. For a missing or unreadable file submitted on a compact disc,
 - a) a substitute specification (excluding the claims) deleting the reference to the missing or unreadable file, and a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125; and
 - b) a replacement transmittal letter listing all of the files except the missing or unreadable file in compliance with 37 CFR 1.52(e)(3)(ii).

(B) Alternatively, if applicant wants to accept the application as deposited but wishes to add the subject matter in the omitted item (e.g., a missing page or figure) by relying on an incorporation by reference under 37 CFR 1.57 or other portions of the original disclosure, applicant is required to submit one or more of the following items without adding any new matter (see 35 U.S.C. 132(a)):

1. To add the subject matter in a missing page of specification,
 - a) a substitute specification excluding claims and
 - b) a statement that the substitute specification includes no new matter, in compliance with 37 CFR 1.121(b)(3) and 1.125;
2. To add a missing figure of the drawings, new and replacement drawing sheets in compliance with 37 CFR 1.121(d);
3. To add the subject matter in a missing page of the claim listing, a complete claim listing in compliance with 37 CFR 1.121(c) (e.g., a claim in the missing page should be submitted as a new claim);
4. To add the subject matter in a missing or unreadable compact disc,
 - a) a replacement compact disc and a duplicate copy of the compact disc, in compliance with 37 CFR 1.52(e); and
 - b) a statement that the replacement compact disc contains no new matter in compliance with 37 CFR 1.52(e)(4); and,
5. To add the subject matter in a missing or unreadable file submitted on a compact disc,
 - a) a replacement compact disc that contains all of the files listed in the specification including the missing or unreadable file and a duplicate copy of the compact disc, in compliance with 37 CFR 1.52(e); and

b) a statement that the replacement compact disc contains no new matter in compliance with 37 CFR 1.52(e)(4).

If applicant is relying on an incorporation by reference under 37 CFR 1.57 to add the omitted subject matter, then applicant must also comply with the requirements of 37 CFR 1.57.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/s/rat/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM S RAMSEY, ESQ
5253 EVEN STAR PLACE
COLUMBIA, MD 21044

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of :
Kyung Ja Kay Choi :
Application No. 12/456,301 : **DECISION ON PETITION**
Filed: June 15, 2009 :
Attorney Docket No. HZ1 :

This is a decision on the renewed petition, filed November 5, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The renewed petition filed November 5, 2010 states "A copy of the docket record where the nonreceived Notice would have been entered had it been received is attached (Docket Top Part and Docket Bottom Part)." The docket record submitted with the renewed petition is unclear where the nonreceived Notice would have been entered had it been received. **Petitioner must provide a copy of the docket record where the nonreceived Notice would have been entered had it been received must be attached to and referenced in the practitioner's statement.**

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WILLIAM S RAMSEY
5253 EVEN STAR PLACE
COLUMBIA, MD 21044

MAILED
FEB 10 2011
OFFICE OF PETITIONS

In re Application of
Kyung Ja Kay Choi
Application No. 12/456,301
Filed: June 15, 2009
Attorney Docket No. HZ1

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:
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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 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 Notice of Omitted Item(s) in a Nonprovisional Application (Notice) mailed July 8, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on September 9, 2009.

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
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 NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/456,334	06/15/2009	Keiichi Yoshii	4041J-001593/US	7443

7590 03/22/2011
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

COMLEY, ALEXANDER BRYANT

ART UNIT	PAPER NUMBER
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3746

MAIL DATE	DELIVERY MODE
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03/22/2011

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Armes
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/456,357	06/16/2009	Mark Anthony Mercurio	11364	6886

27752 7590 12/20/2011
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER

SHAPIRO, JEFFERY A

ART UNIT	PAPER NUMBER
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3653

MAIL DATE	DELIVERY MODE
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12/20/2011

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

DEC 20 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Larry L. Huston
The PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
Cincinnati, OH 45202

In re Application of	:	
Mark Mercurio, et al.	:	DECISION ON PETITION
Application No. 12/456,357	:	UNDER 37 CFR 1.84
Filed: June 16, 2009	:	TO ACCEPT COLOR
Attorney Docket No.: 11364	:	DRAWINGS
For: ARRAY OF COLORED PACKAGES	:	
FOR CONSUMER PRODUCTS	:	

This is a decision on the petition under 37 CFR 1.184(a)(2), filed June 16, 2009, to accept color drawings.

A petition under 37 CFR 1.84 will be granted only when the U.S Patent and Trademark Office has determined that a color drawing or color photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented (MPEP 608.02). A petition under 37 CFR 1.84(a)(2) requires:

- (i) The fee set forth in § 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

“The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.”

The petition fails to meet requirement (iii) above since it does not include an amendment to the specification to insert the necessary language above as the first paragraph of the brief description of the drawings.

Furthermore, Applicant states that the color aspect of the invention, “is incapable of being accurately or adequately depicted by black and white drawings.” However, it has been determined that the colored drawings are not necessary as the black and white drawing along with the labeling of the figure is sufficient to accurately and adequately depict the drawing. Thus

a colored drawing is not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented.

Accordingly, the petition filed under 37 CFR § 1.84(a)(2) is **DISMISSED**.

Any questions concerning this decision should be referred to Stefanos Karmis at (571) 272-6744.

A handwritten signature in black ink, appearing to read 'Stefanos Karmis', is written over a horizontal line.

Stefanos Karmis, SPE
Technology Center 3600
(571) 272-6744

SK: 12/15/2011



UNITED STATES PATENT AND TRADEMARK OFFICE

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OHLANDT, GREELEY, RUGGIERO &
PERLE, LLP
ONE LANDMARK SQUARE, 10TH
FLOOR
STAMFORD CT 06901

MAILED
JAN 31 2012
OFFICE OF PETITIONS

In re Application of :
Song et al. :
Application No. 12/456,369 : ON PETITION
Filed: 06/16/2009 :
Attorney Docket Number: 0005963USU/3266 :

This is in response to the Petition to Accept Color Drawings Under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on September 24, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners assert that color drawings/photographs are the only practical medium for illustrating the subject matter in these Figures, and are necessary to clearly visualize and understand the disclosure.

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. MPEP 608.02, Section IX, DRAWINGS SYMBOLS provide graphic symbols that should be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2817.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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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.
12/456,392	06/15/2009	Ilya Agurok	47654-0027-00-US (439385)	4710
23973	7590	08/20/2010	EXAMINER	
DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE, SUITE 2000 PHILADELPHIA, PA 19103-6996			DZIERZYNSKI, EVAN P	
			ART UNIT	PAPER NUMBER
			2875	
			NOTIFICATION DATE	DELIVERY MODE
			08/20/2010	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):

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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**DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA PA 19103-6996**

In re Application of

AGUROK et al.

Application No.: 12/456,392

Filed: 15 June 2009

Attorney Docket No.: 47654-0027-00-US (439385)

**For: MULTI-REFLECTOR LED LIGHT
SOURCE WITH CYLINDRICAL HEAT
SINK**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 11 June 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
 - a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,or
 - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim,or
 - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

- i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
 - ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the KR application(s);
 - b. An English translation of the allowable/patentable claim(s), and
 - c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
 - a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
 - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
 - a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
 - b. An English language translation of the KIPO office action; and
 - c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
 - a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
 - b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://uspto.gov/ebc/index.html>.


Lee W. Young
TQAS
Technology Center 2800



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United States Patent and Trademark Office
P.O. Box 1450
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**LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090**

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of :
Weisselberg et al. :
Application No. 12/456,427 :
Filing: June 15, 2009 :
Attorney Docket No. WYSSMONT 3.0-013 :

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

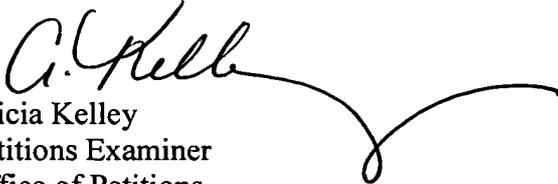
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. 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 3743 for action on the merits commensurate with this decision.


Alicia Kelley
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/456,438	06/16/2009	Tung-Ying Lin	JCLA29617	3422
23900	7590	11/14/2011	EXAMINER	
J C PATENTS 4 VENTURE, SUITE 250 IRVINE, CA 92618			ALEMU, EPHREM	
			ART UNIT	PAPER NUMBER
			2821	
			MAIL DATE	DELIVERY MODE
			11/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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J C PATENTS
4 VENTURE, SUITE 250
IRVINE, CA 92618

NOV 14 2011

In re Application of
LIN et al.

Appl. No: 12/456,438

Filed: June 16, 2009

Attorney Docket No. JCLA29617

: DECISION OF PETITION
: UNDER 37 CFR § 1.84

This decision is in response to the petition filed June 16, 2009 in the above-identified application. Petitioner request that color drawings be accepted in accordance with 37 C.F.R. § 1.84(a)(2).

The petition is GRANTED.

The petition states that color drawings of Figures 11A-11C, 12A-12B and 12C are necessary in order to completely and accurately represent the invention.

The petition complies with 37 C.F.R. § 1.84(a)(2) in that it was accompanied by (1) the appropriate fee and (2) three sets of color drawings. The specification further includes the required text language set forth in 37 C.F.R. § 1.84(a)(2)(iii).

The papers filed on June 16, 2009 fulfill the requirements set forth in 37 C.F.R. § 1.84(a)(2) and the petition is GRANTED.

Telephone inquires concerning this decision should be directed to Jacob Y. Choi at 571-272-2367.

Jacob Y. Choi
Supervisory Patent Examiner Art Unit 2821
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/456,443	06/16/2009	Paul F. Glidden	3800001.00013 / 5203	1821
77202	7590	12/10/2010	EXAMINER	
K&L Gates LLP 3580 Carmel Mountain Road Suite 200 San Diego, CA 92130			LEVIN, MIRIAM A	
			ART UNIT	PAPER NUMBER
			1613	
			MAIL DATE	DELIVERY MODE
			12/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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DEC 10 2010

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Glidden et al.
Serial No.: 12/456,443
Filed: June 16, 2009
Attorney Docket No: **3800001.00013 / 5203**

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on November 30, 2010 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants “request correction of the classification in PAIR of the Information Disclosure Statements submitted on October 2, 2009 and July 6, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.”

Applicant argues the “Information Disclosure Statements were submitted in connection with the above-captioned application on October 2, 2009 and July 6, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. Copies of the misclassified Information Disclosure Statements filed on October 2, 2009 and July 6, 2010 are attached.

The submitted Information Disclosure Statements included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (October 2, 2009, "Transmittal Letter" of 5 pages, and July 6, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein was not considered or reviewed by the Examiner.”

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of October 2, 2009 and July 6, 2010.

DECISION

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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MAILED

SEP 23 2010

OFFICE OF PETITIONS

**RICHARD B. KLAR
145 WILLIS AVENUE
SUITE NO. 6
MINEOLA NY 11501**

In re Application of :
William B. Mowe :
Application No. 12/456,454 : **DECISION ON PETITION**
Filed: June 17, 2009 :
Attorney Docket No. 333RK02 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 19, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on March 26, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on June 29, 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 corrected drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 19002.1

Application Number (if known): 12/456,461

Filing date: June 17, 2009

First Named Inventor: Aaron D. T. Needham

Title: SYSTEM AND METHOD FOR CREATING AND USING ENERGY CREDITS DERIVED FROM THE CONSTRUCTION INDUSTRY WHILE MAIN

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 /Matthew D. Todd 57928/

Date 03/23/2011

Name Matthew D. Todd (Print/Typed)

Registration Number 57928

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 1.18. 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.

FILED ELECTRONICALLY

PATENT APPLICATION
Docket No. 19002.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
	Aaron D.T. Needham)
)
Serial No.:	12/456,461) Art Unit
) 2884
Filed:	June 17, 2009)
)
Confirmation No.:	3275)
)
For:	SYSTEM AND METHOD FOR CREATING AND USING)
	ENERGY CREDITS DERIVED FROM THE)
	CONSTRUCTION INDUSTRY WHILE MAINTAINING)
	GREEN CERTIFICATION)
)
Examiner:	Heidi M. Riviere)
)
Customer No.:	022913)

**STATEMENT OF SPECIAL STATUS IN SUPPORT OF PETITION TO MAKE
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The technology claimed in the Application involves methods that materially contribute to the more efficient utilization and conservation of energy resources and greenhouse gas emission reduction. Thus, applicant believes the present application to be proper for expedited examination under the Green Technology Pilot Program.

The present application has already published on December 23, 2010 as 2010/0324947, and therefore applicant believes this requirement for treatment under the Green Technology Pilot Program has been met.

In particular, embodiments of the present application are directed to methods for creating and using energy credits derived from the construction industry while maintaining green

certification. The method comprises the steps of (a) identifying a building; (b) ascertaining a base level of energy consumption for normal use of the building; (c) choosing to reduce the base level of energy consumption by a certain amount; (d) identifying components, which, if placed in the building, would reduce the base level of energy consumption by said certain amount; (e) obtaining the components; (f) placing the components in the building; (g) verifying that the components as placed in fact do reduce the energy consumption of the building by said certain amount; (h) designating said certain amount as an energy credit; (i) ascertaining direct and indirect carbon emissions generated from normal operation of the building; (j) purchasing energy credits to offset the direct and indirect carbon emissions generated from the building; and (k) certifying the building as green.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 23rd day of March 2011.

Respectfully submitted,

/Matthew D. Todd 57928/

MATTHEW D. TODD
Attorney for Applicant
Registration No. 57,928
Customer No. 022913

MDT
C:\NrPortb\NDMS1\MTODD\3286748_1.DOC



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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.
12/456,461	06/17/2009	Aaron David Trent Needham	10719.0002	3275
22913 Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111	7590 04/18/2011			
			EXAMINER RIVIERE, HEIDI M	
			ART UNIT 3689	PAPER NUMBER
			MAIL DATE 04/18/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Workman **APR 18 2011**
Aydigger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

In re Application of :
Aaron NEEDHAM : DECISION ON PETITION
Application No. 12/456,461 : TO MAKE SPECIAL UNDER
Filed: June 17, 2009 : THE GREEN TECHNOLOGY
Attorney Docket No. 10719.0002 : PILOT PROGRAM

This is a decision on the petitions under 37 CFR 1.102, filed March 23, 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 1 and 4.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains 24 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

In regard to item 4, it is noted that because the base level of energy consumption for a particular building varies greatly in both short timeframe and long timeframe depending on the condition of a building, the weather, the number of occupants, the occupants' comfort needs and preferences, and the frequency of activities performed in a building (working, meeting, cooking, laundering, entertaining, etc.), the one time determination of the base level of energy consumption does not reflect the real time base level of energy consumption. In addition, as there is no requirement on what level of energy reduction a building owner must meet, and the outside energy credit appears to be readily available, this provides the building owner an incentive to over pollute. The building owner can obtain the green certification by reducing very little of his energy consumption and then purchase a large amount of energy credit to offset the rest carbon emissions. As the cost of replacing appliances and fixing up a building gets to be expensive, a building owner can just purchase more outside energy credit to offset his energy consumption so there is no real incentive for a building owner to reduce his energy consumption and making additional efforts to further reduce the energy consumption as time goes by. Last and not least there is no incentive for a building owner to get a green certification due to the voluntary nature of the participation in the green certification program.

Therefore, petitioner's assertion of the claimed method's efficient utilization and conservation of energy resources, or reduction of greenhouse gas emissions appears to be speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is not agreed that the application on its face meets that materiality standard.

Petitioner should note that the request for early publication and the publication fee are required even when the application has already been published. Since the request for early publication

was made on the form PTO/SB/420, the publication fee (in the amount of \$300.00) as set forth in 37 CFR.1.18(d) has been charged to the deposit account no. 23-3178.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3689 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600



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HORST M. KASPER, ESQ.
13 FOREST DRIVE
WARREN NJ 07059

MAILED
NOV 01 2010
OFFICE OF PETITIONS

In re Application of :
William I. DE VERSTERRE : **CORRECTED**
Application No. 12/456,490 : **DECISION ON PETITION**
Filed: June 17, 2009 :
Attorney Docket No. 1990-001 :

This is a decision on the petition, filed April 26, 2010, under 37 CFR 1.182 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 action mailed July 06, 2009, which set a two (2) month shortened statutory period for reply. The application became abandoned on September 07, 2009.

Petitioner asserts that the Office action dated July 06, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received with the petition.



Thurman K. Page
Petitions Examiner
Office of Petitions



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HORST M. KASPER, ESQ.
13 FOREST DRIVE
WARREN NJ 07059

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :
William I. De Versterre :
Application No. 12/456,490 : **DECISION ON REQUEST FOR REFUND**
Filed: June 17, 2009 :
Attorney Docket No. 1990-001 :

This is a decision on the Request For Refund filed March 1, 2011.

The request is **GRANTED**.

Applicant filed a petition on April 26, 2010, entitled "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.182" and authorized the Office to charge the petition fee of \$130.00 to petitioner's credit card account.

The petition filed April 26, 2010, was treated under 37 CFR 1.181 to withdraw holding of abandonment **which requires no fee**. Petitioner now files the above request for refund of the \$130.00 petition fee charged on April 26, 2010.

In view of the above, the \$130.00 petition fee is being credited to petitioner's credit card account as it is the method in which the fee was paid.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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MCDONALD HOPKINS LLC
600 Superior Avenue, East
Suite 2100
CLEVELAND OH 44114-2653

MAILED

APR 07 2011

OFFICE OF PETITIONS

In re Application of

Munaretto, et al.

Application No. 12/456,494

Filed: June 17, 2009

Attorney Docket No. **31171-0003**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed March 4, 2011.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on August 29, 2010, after it was believed that no response was received to the non-final Office action mailed May 28, 2010. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on January 4, 2011, indicating that a reply to the non-final Office action was not received.

Petitioner states that an amendment responsive to the non-final Office action was mailed on September 28, 2010. The amendment was not found in the Image File Wrapper for the application. However, the petition was accompanied by a copy of the amendment containing a certificate of mailing under 37 CFR 1.8 dated September 28, 2010. An authorization to charge a deposit account for the extension of time within the first month was found on the transmittal sheet deposited September 28, 2010. Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was deposited with the United States Postal Service, first class mail prior to the expiration of the extendable statutory period for reply and the amendment contained a certificate of mailing under 37 CFR 1.8. The holding of abandonment is withdrawn, accordingly.

It is noted that the address on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address cited on the petition. All future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

The application file is being directed to Technology Center GAU 3711 for further processing.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:

Michael Femal
McDonald Hopkins, LLC
300 North LaSalle Street
Suite 2100
Chicago, IL 60654



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PCT LEGAL ADMINISTRATION

PETER I. LIPPMAN
17900 MOCKINGBIRD DRIVE
RENO NV 89508

In re Application of: CAMPION, David, et al. :
U.S. Application No.: 12/456,504 : DECISION ON PETITION UNDER
Filing Date: June 16, 2009 : 37 CFR 1.178(a)(3) AND (a)(6)
Attorney's Docket No.: xAA-65 :
For: REFINED OPTICAL SYSTEM :

This decision is issued in response to the "Petition To Accept Delayed Priority Claim" filed on October 24, 2011, treated herein as a petition under 37 CFR 1.78(a)(3) and (a)(6).

BACKGROUND

On June 16 2009, applicants initiated the present application. Applicants' June 16, 2009 submission included a transmittal letter identifying the application as a "new U.S. utility application" that claimed priority to PCT/US2007/025912 and U.S. provisional applications 60/920,320 and 60/875,103. The first line of the specification also indicated that the application "is based on and claims priority of" PCT/US2007/025912 and U.S. provisional applications 60/920,320 and 60/875,103. The application was processed as a filing under 35 U.S.C. 111(a).

On October 24, 2011, applicants filed the "Petition To Accept Delayed Priority Claim" considered herein. The petition seeks to add to the present application acceptable priority claims to the prior-filed international and provisional applications.

DISCUSSION

1. The Present Application Is Properly Treated As A Filing Under 35 U.S.C. 111(a)

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

Section 1893.03(a) of the MPEP states:

If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

Here, the transmittal letter filed on June 16, 2009 identified the enclosed application as a “new U.S. utility patent application,” not as a U.S. national stage application filed under 35 U.S.C. 371, and none of the other materials filed by applicants on the filing date indicated that the application was intended as a U.S. national stage under 35 U.S.C. 371. Accordingly, pursuant to the policy set forth in MPEP section 1893.03(a), the present application was properly treated by the USPTO as a filing under 35 U.S.C. 111(a).¹

2. Petition Under 37 CFR 1.78(a)(3) and (a)(6)

37 CFR 1.78(a)(3) applies where an applicant seeks to add an unintentionally delayed claim of benefit under 35 U.S.C. 120 and 365(c) to a prior-filed international application designating the United States; 37 CFR 1.78(a)(6) applies where an applicant seeks to add an unintentionally delayed claim of benefit to a prior-filed U.S. provisional application. Applicants here are seeking to add priority claims to international application PCT/US2007/025912 and U.S. provisional applications 60/920,320 and 60/875,103. Accordingly, the present petition is properly considered under both 37 CFR 1.78(a)(3) and (a)(6).

A petition for acceptance of a delayed claim for priority under 37 CFR 1.78(a)(3) and 1.78(a)(6) is only applicable in 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). The present non-provisional application was filed after November 29, 2000, and priority claims directed to the prior-filed applications (in an acceptable form) were not submitted prior to the expiration of the periods 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 grantable petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) must include the following:

- (1) the reference to the prior-filed applications required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i), 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 present petition fails to satisfy item (1).

Pursuant to 37 CFR 1.78(a)(2)(iii) and (a)(5)(iii), the necessary references to the prior-filed applications must be present in the first sentence of the description or in an application data sheet (ADS). As set forth in 37 CFR 1.78(a)(2)(i), an acceptable domestic benefit claim directed to an international application must identify the international application by “international application number and international filing date and indicat[e] the relationship of the

¹ As noted above, the application as filed did claim priority to the international application; however, such a claim is not the equivalent of identifying the application as a national stage under 35 U.S.C. 371. If anything, such a priority claim is inconsistent with the intent to file a national stage application in that a national stage application cannot claim priority to the international application of which it is the national stage (since the filing date of the national stage is the international filing date). See MPEP section 1893.03(c)(III).

applications.” Pursuant to MPEP section 201.11(III)(A), the relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed application. A benefit claim that merely states that the application “claims the benefit of” the international application 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.

Here, the application as filed included a reference stating only that the present application “claims priority of” the international application and the two provisional applications. With respect to the international application, this reference does not comply with the requirements of 37 CFR 1.78(a)(2)(i) because it does not state the relationship between the applications (i.e., continuation, continuation-in-part, or divisional). With respect to the provisional applications, this claim is unacceptable because it indicates that the present application claims priority directly to the provisional applications (rather than through an intermediate application), and the present application was not filed within twelve months of the filing date of the provisional applications. See MPEP section 201.11(III)(C).

The present petition was accompanied by an amendment to the first paragraph of the specification adding a revised benefit claim identifying the application as the “national phase of PCT/US2007/025912 filed December 17, 2007,” which in turn claims the benefit of the two provisional applications. However, as set forth above, the present application is a U.S. non-provisional application filed under 35 U.S.C. 111(a), not a national stage application filed under 35 U.S.C. 371. Accordingly, the amendment’s identification of the present application as the “national stage” of the international application is incorrect. Because the reference in the amendment does not correctly state the relationship between the present application and the international application (i.e., continuation, continuation-in-part, or divisional), the reference is not acceptable under 37 CFR 1.78(a)(2)(i).

In view of the above, applicants’ petition does not satisfy all the requirements for a grantable petition under 37 CFR 1.78(a)(3) and (a)(6) to add to the present application a benefit claim directed to PCT/US2007/025912 and, through the international intermediate application, to provisional applications 60/875,103 and 60/920,230. The petition is therefore appropriately dismissed. Any renewed petition under 37 CFR 1.78(a)(3) and (a)(6) must be accompanied by a revised amendment to the first sentence of the specification containing a proper reference directed to the international and provisional applications (or a supplemental ADS containing such a reference).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.78(a)(3) and (a)(6) is **DISMISSED** without prejudice.

The present application is properly treated as an application filed under 35 U.S.C. 111(a) and, on the present record, the application does not contain an acceptable benefit claim to any prior-filed applications, including international application PCT/US2007/025912 and U.S. provisional applications 60/875,103 and 60/920,230 .

Any renewed petition under 37 CFR 1.78(a)(3) and (a)(6) seeking to add priority claims to the present application must include the additional materials required to satisfy the outstanding requirement for a grantable petition, as discussed above and in the MPEP. 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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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JAN 12 2012

OFFICE OF PETITIONS

MCCARTER & ENGLISH, LLP BOSTON
265 Franklin Street
Boston MA 02110

In re Application of :
Liu et al. :
Application No. 12/456,507 : DECISION ON PETITION
Filed: June 17, 2009 : PURSUANT TO
Attorney Docket No. 120465- : 37 C.F.R. § 1.137(B)
02402 :
Title: SYNTHESIS OF :
DEUTERATED MORPHOLINE :
DERIVATIVES :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 14, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed May 27, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on August 28, 2011. A notice of abandonment was mailed on December 22, 2011, subsequent to the filing of this petition.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply

until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on December 14, 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.¹ Accordingly, since the \$635.00 extension of time submitted with the petition on December 14, 2011 was filed subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to Deposit Account No. 50-4876 in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries

¹ See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

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).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

concerning this application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions



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In re Application of
W. David Wilson

:
:

Application No. 12456510

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

Filed: June 17, 2009

:

Attorney Docket No. SYS05-GN002

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 01-APR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/456,510	Confirmation Number	5846	Filing Date	2009-06-17
Attorney Docket Number (optional)	SYS05-GN002	Art Unit		Examiner	
First Named Inventor	W. David Wilson				
Title of Invention	Method of tracking a network-enabled device				
<p>Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See <u>37 CFR 1.102(c)(1)</u> and MPEP 708.02 (IV).</p> <p>APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.</p> <p>A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.</p>					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Robert	E.	Banziger			
<p>A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.</p> <p>Select (1) or (2) :</p> <p><input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.</p> <p><input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.</p>					
Signature	/Ryan Willis/		Date (YYYY-MM-DD)	2011-04-01	
Name	Ryan Willis		Registration Number	48787	

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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**DILWORTH PAXSON LLP
1500 MARKET STREET
SUITE 3500 E
PHILADELPHIA PA 19102**

**MAILED
MAR 28 2011
OFFICE OF PETITIONS**

In re Application of: :
Arthur KUBACH :
Application No. 12/456,653 : DECISION ON PETITION
Filing Date: June 18, 2009 :
Attorney Docket No. 09-1175 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on October 04, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Corrected Application Papers mailed December 07, 2009, which set a shortened statutory period for reply of two (2) months. A request for five (5) months extension of time under the provisions of 37 CFR 1.136(a) was filed along with corrected Drawings on July 07, 2010. The amount of fee required for five months of extension of time was \$1,175. As the fee of \$930, included with the response was sufficient only to cover four (4) months of extension of time, the submission of July 07, 2010, was not timely. Accordingly, the above-identified application became abandoned on June 08, 2010.

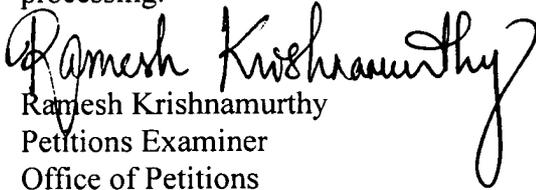
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as having been unintentionally 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 such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

The application is being referred to the Office of Patent Application Processing for further processing.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
STEWART & OLSTEIN
5 BECKER FARM ROAD
ROSELAND, NJ 07068

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of :
Yigal P. Goldberg :
Application No. 12/456,667 : **ON PETITION**
Filed: June 19, 2009 :
Attorney Docket No.: 760050-165 :

This is a decision on the petition, filed December 13, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 25, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). In view of the extension of time under the provisions of 37 CFR 1.136(a) filed October 20, 2010, the application became abandoned on October 26, 2010. A Notice of Abandonment was subsequently mailed on December 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 1635 for consideration of the response filed December 13, 2010.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

Paper No.

DEC 14 2011

Christopher P. Marshall
426 2nd Street 2nd Floor
Brooklyn NY 11215

OFFICE OF PETITIONS

In re Application of :
Marshall :
Application No. 12/456,675 : DECISION ON PETITION
Filed: June 19, 2009 : PURSUANT TO
Attorney Docket No. 20090618 : 37 C.F.R. § 1.137(B)
Title: METHODS FOR OBTAINING :
MOLECULES WITH REDUCED :
IMMUNOGENICITY :

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 reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed July 23, 2009, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on September 24, 2009. A notice of abandonment was mailed on March 30, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information

where there is a question whether the delay was unintentional, and;

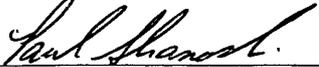
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, the proper statement of unintentional delay, a fully executed declaration, the fee associated with the filing of excess claims, and seven sheets of replacement drawings along with a transmittal letter which is being construed to constitute an amendment directing the entry of said drawings. 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 Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application, including the replacement drawings and the declaration received concurrently on November 9, 2011, may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.²



Paul 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 any further action(s) of Petitioner.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 06-21-11

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/456687 Patent No.: 7842685

CofC mailroom date: 06-17-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Approved

All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

/Joseph K. McKane/ SPE 1626

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

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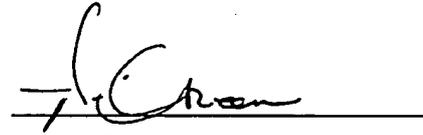
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Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

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All changes apply.

Approved in Part

Specify below which changes **do not** apply.

Denied

State the reasons for denial below.

Comments: _____

/Joseph K. McKane/ SPE 1626

SPE

Art Unit



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.
12/456,703	06/18/2009	Steven Holmes	69254(208039)	9555
21874	7590	11/17/2011	EXAMINER	
EDWARDS WILDMAN PALMER LLP			OUSPENSKI, ILIA I	
P.O. BOX 55874			ART UNIT	PAPER NUMBER
BOSTON, MA 02205			1644	
			MAIL DATE	DELIVERY MODE
			11/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.
The time period for reply, if any, is set in the attached communication.



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NOV 17 2011

Amy DeCloux
EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of :
Holmes et al :Decision on Petition
Serial No.:12/456,703 :
Filed: 18 June 2009 :
Attorney Docket No.:69254(208039) :

This letter is in response to the Petition filed on 7 October 2011 under 37 C.F.R. 1.144 to request reconsideration of the restriction requirement mailed 7 April 2011.

BACKGROUND AND DISCUSSION

The application, file history and petition have been considered carefully.

The petition has been filed after the election yet before any examination on the merits.

As such, the petition is considered premature under 37 CFR 1.144 because it was prepared before the examiner has considered the traversal and made the requirement final. See the first sentence of 37 CFR 1.144 which states:

After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement.

Similarly, the petition would have been considered premature under 37 CFR 1.181(c) because it was filed before the examiner had an opportunity to review the request for reconsideration and either repeat or make final the action.

Accordingly, the petition is **DISMISSED**.

The application will be forwarded to the Examiner for consideration of the application, including the papers filed on 7 October 2011 and for preparation of an Office action consistent with this decision.

Should the examiner repeat the requirement, applicants may file a petition under 37 CFR 1.181 within two months of the repeated action for reconsideration of the requirement. Alternatively, should the examiner make the restriction requirement final, applicants may defer filing a petition under 37 CFR 1.144 until after final action or allowance of claims to the invention elected, but to be timely it must be filed no later than the filing of any notice of appeal.

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) 272-1600 or by Official Fax at 571-273-8300.



George Elliott
Director, Technology Center 1600



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Dennis LeBlang
1 Milano Circle
Palm Desert CA 92211

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of :
Dennis William Leblang :
Application No. 12/456,707 :
Filed: June 22, 2009 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.314, filed March 5, 2012, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be referred to Publishing Division to be processed into a patent.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances. See MPEP 1306.01.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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SCHWARTZ LAW FIRM, PC
SOUTHPARK TOWERS
SUITE 530
6100 FAIRVIEW ROAD
CHARLOTTE, NC 28210

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Andrew D. Park, et al. :
Application No. 12/456,746 : **DECISION ON PETITION**
Filed: June 22, 2009 :
Attorney Docket No. 267/8B :

This is a decision on the petition, filed June 23, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of December 8, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before March 8, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on June 8, 2010, which included the following papers: an amendment, a three (3) month extension of time, return post card receipt and a terminal disclaimer. The original reply, which bears a certificate of mailing dated June 8, 2010, which would have rendered the reply timely if received is now in the file.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of December 8, 2009 is hereby withdrawn and the application restored to pending status.

The original reply shown to have been mailed (or transmitted by facsimile) on June 10, 2010 is in the file.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or the status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3641 for appropriate action in the normal course of business on the reply received with petition.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions