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:	12/456,754	Filing date:	6/22/2009
First Named Inventor:	Robert Hardacker		
Title of the Invention:	Speculative Video on Demand		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

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

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

The corresponding PCT application number(s) is/are: PCT/US2010/037272

The international filing date of the corresponding PCT application(s) is/are: 06/03/2010

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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

(continued)

Application No.:	12/456,754
First Named Inventor:	Robert Hardacker

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

- [✓] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

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

- [✓] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-50	1-50	Same claims

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

Signature /Jerry A. Miller 30779/	Date 4/4/2011
Name (Print/Typed) Jerry A. Miller	Registration Number 30,779

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/456,754	06/22/2009	Robert L. Hardacker	SY-02473.01	4256

24337 7590 05/11/2011
MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

EXAMINER
SALCE, JASON P

ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
05/11/2011	PAPER

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

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

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MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH NC 27606

In re Application of: HARDACKER, et al.
Application No. 12/456,754
Filed: June 22, 2009
For: SPECULATIVE VIDEO ON DEMAND

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

MAILED

MAY 11 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

The petition is **GRANTED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. *If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.*

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

Telephone inquiries concerning this decision should be directed to 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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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Schlienger, et al.	:	
Application No. 12/456,766	:	ON PETITION
Filed: June 22, 2009	:	
Attorney Docket No. RORO-935	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed November 18, 2011.

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

The above-identified application became abandoned for failure to timely file a reply to the final Office action mailed March 25, 2011. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on June 26, 2011. The Office mailed a Notice of Abandonment on November 3, 2011.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of continuation application No. 13/245,442.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above identified application is again abandoned in favor of the continuation application, No. 13/245,442, filed September 26, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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MAILED

JAN 12 2012

OFFICE OF PETITIONS

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

In re Application of
Kazuyoshi ISAJI et al.
Application No.: 12/456,864
Filed: June 24, 2009
Attorney Docket No.: 4041J-001594/US
For: Vehicle Travel Speed Control Method

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 12, 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 notice of allowance was mailed by the Examiner 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/456,900	06/23/2009	Kraig Alan Willett	7180-76640-02	6655

68407 7590 04/19/2011
KLARQUIST SPARKMAN, LLP
121 S.W. SALMON STREET
PORTLAND, OR 97204

EXAMINER
HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
3711	

NOTIFICATION DATE	DELIVERY MODE
04/19/2011	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):

tanya.harding@klarquist.com
docketing@klarquist.com

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Klarquist Sparkman, LLP
121 S.W. Salmon Street
Portland, OR 97204

In re Application of: Kraig Alan Willett, et al
Appl. No.: 12456900

Filed: 6/23/2009

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 June 23, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, figures 3, 4(a), 4(b), and 4(c) 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 2A-11 and 14A-14B. The specification at page 3, lines 8-10 did contain the required notification described above.

The petition is **GRANTED**.

The application file is being forwarded to Central files to await examination based upon its filing date.

/Gene Kim/
Supervisory Patent Examiner 3711

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.
12/456,926	06/23/2009	Philip J. Bromley	33312.05714.US03/5714	6465

13565 7590 08/04/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER
PADEN, CAROLYN A

ART UNIT	PAPER NUMBER
1781	

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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United States Patent and Trademark Office
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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Philip J. Bromley
Serial No.: 12/456,926
Filed: June 23, 2009
Attorney Docket No:
33312.05714.US03/5714

: PETITION DECISION

This is in response to the petition filed on June 8, 2011 under 3 7 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 17, 2009 and May 13, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on September 17, 2009 and May 13, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on September 17, 2009 and May 13, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" September 17, 2009, "Transmittal Letter" of 2 pages and May 13, 2010, "Transmittal Letter" of 3 pages). Consequently, the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of September 17, 2009 and May 13, 2010.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of September 17, 2009 and May 13, 2010 which was misclassified in PAIR as a "Transmittal Letter" September 17, 2009, "Transmittal Letter" of 2 pages and May 13, 2010, "Transmittal Letter" of 3 pages).

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

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

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JERRY STARTZELL
133 SEA VIEW DRIVE
PORT ANGELES WA 98362

MAILED
SEP 30 2010
OFFICE OF PETITIONS

In re Application of :
Jerry STARTZELL :
Application No. 12/456,958 : ON PETITION
Filed: June 23, 2009 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed May 3, 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 July 20, 2009, which set a time limit for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 21, 2009.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees and oath or declaration; (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received. No terminal disclaimer is required. Accordingly, the reply to the Notice to File Corrected Application Papers of July 20, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence to the undersigned at (571) 272-3219.

The Office of Patent Application Processing has been advised of this decision. The application is, thereby, referred to the Office of Patent Application Processing for completion of pre-examination processing.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/457,005	05/28/2009	Takahiro Kitajima	26B-155	4834

7590 10/21/2010
POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER
MORROW, JASON S

ART UNIT	PAPER NUMBER
3612	

MAIL DATE	DELIVERY MODE
10/21/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/457,016	06/06/2003	Carl G. Demarcken	09765-039001	6984

26161 7590 10/04/2011
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
VETTER, DANIEL

ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
10/04/2011	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):

PATDOCTC@fr.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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Steven Rabin
Rabin & Berdo, PC
Washington DC 20005

In re Application of:
Kubo
Application No. 12/457016
Filed: May 29, 2009
For: Intermittently Operable Communication Apparatus with Different Carrier Sense Levels Switched Between Transmission and Reception and Method Therefor

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed July 6, 2011 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the Final rejection mailed June 09, 2011.

The petition is **Dismissed**.

This petition correctly states that the final rejection of June included a 102(e) over Fonseca whereas the first action included a 102(a) over Fonseca. The petition argues that the new rejection was necessitated by applicant's submission of a priority document translation, (perfecting priority) and was not necessitated by an amendment to the claims; therefore the finality of the June contradicts MPEP 706.07(a) and should be withdrawn.

The question that needs to be decided in this petition is whether the second rejection over Fonseca is a new grounds of rejection or not. If it is, then the final rejection would not be appropriate. Kronig 190 USPQ 425 states that there is no new grounds of rejection when the basic thrust of the rejection remains the same such that appellant has been given a fair opportunity to react to the rejection. As both rejections are over the same reference and citations of what is taught where are the same, applicant has been given a fair opportunity to respond to the rejection.

In further support of maintaining the finality of the previous rejection, Ex parte Lyell 17 USPQ 1548 states that no new grounds of rejection was made when inside 112 rejection the supporting rationale for a 101 rejection was recited followed by a second office action with the same rationale in a 101 rejection. The supporting rationale of the 2 rejections ie what teaches what claim features is the same between the 2 rejections. In the instance application the statutory grounds of the rejection 102 says the same, the reference stays the same and the rationale, thrust of the rejection stays the same.

Accordingly, the finality of the previous office action is maintained.

The petition is hereby **Dismissed.**

The period for response continues to run from June 09, 2011.

Any inquiry concerning this decision should be directed to Tod Swann at (571) 272-3612.

/Tod Swann/
Tod Swann
Technology Center 2100
Computer Architecture, Software, and
Information Security

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.
12/457,057	05/29/2009	Akiko Shimizu	1419.1145	7498

7590 01/11/2011
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
VO, PETER DUNG BA

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
01/11/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	268	(206/477).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/07/07 18:58
S2	0	("jadjshape").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/07/07 19:12
S3	6455	j adj shape	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/07/07 19:12
S4	0	S1 and S3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/07/07 19:12

EAST Search History (Interference)

<This search history is empty>

11/5/2010 5:49:54 PM
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/457,096	06/01/2009	Remi Soula	137251	3278

7590 12/23/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
RUSSEL, JEFFREY E

ART UNIT	PAPER NUMBER
1654	

NOTIFICATION DATE	DELIVERY MODE
12/23/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/457,101	06/01/2009	Hideaki Mizutani	75770.0009	2942

7590 03/07/2011
AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER
MCPHERSON, JOHN A

ART UNIT	PAPER NUMBER
1721	

MAIL DATE	DELIVERY MODE
03/07/2011	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.

Miomi Farmer

Patent Publication Branch
Office of Data Management

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 23 2011

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

In re application of	:	**DECISION ON REQUEST TO**
Matsubara et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/457,158	:	**PROSECUTION HIGHWAY**
Filed: June 02, 2009	:	**PROGRAM AND PETITION**
For: VEHICLE POWER TRANSMISSION	:	**TO MAKE SPECIAL UNDER**
SYSTEM	:	**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 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, 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 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: 02/23/11

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/457,195	06/03/2009	Motohiro Inoue	141814	2706

7590 03/25/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KAKALEC, KIMBERLY

ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
03/25/2011	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

FORM PET651G (Rev. 08/07)

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OCT 2 7 2010

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

In re application of Yoshinori Fujitake Application No. 12/457,196 Filed: June 03, 2009 For: VEHICLE EQUIPPED WITH ELECTRICAL STORAGE DEVICE, AND CHARGING CABLE	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

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

The request and petition are **GRANTED**.

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

(1) The U.S. application must 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 September 22, 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: 10/26/10

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United States Patent and Trademark Office
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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	:	
Gil Ronen et al.	:	
Application No. 12/457,199	:	NOTICE
Filed: June 03, 2009	:	
Attorney Docket No. **46177**	:	

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

Andrew William White
101 Eastchester Ave.
St. Catharines ON L2P2Y-9 CA CANADA

In re Application of	:	
Andrew William White, et al.	:	
Application No. 12/457,214	:	ON PETITION
Filed: June 4, 2009	:	
	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2010, 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 Notice to File Corrected Application Papers, mailed August 19, 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 October 20, 2010. The Notice of Abandonment was mailed June 18, 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 lacks item(s) (1) & (3).

Item 1:

The required reply is incomplete. According the Notice of August 19, 2009, replacement drawings must be filed.

Item 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 (Mr. Andrew W. White) was ever given a power of attorney to act on behalf of inventor Thomas Christopher Delibassis, 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.

The required reply is incomplete. According the Notice of August 19, 2009, replacement drawings must be filed.

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) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Andrew William White
101 Eastchester Ave.
St. Catharines ON L2P2Y-9 CA CANADA

MAILED
DEC 27 2010
OFFICE OF PETITIONS

In re Application of :
Andrew William White, et al. :
Application No. 12/457,214 : ON PETITION
Filed: June 4, 2009 :
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 28, 2010, 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 Notice to File Corrected Application Papers, mailed August 19, 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 October 20, 2010. The Notice of Abandonment was mailed June 18, 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 lacks item(s) (1) & (3).

Item 1:

The required reply is incomplete. According to the Notice of August 19, 2009, replacement drawings must be filed.

Item 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 (Mr. Andrew W. White) was ever given a power of attorney to act on behalf of inventor Thomas Christopher Delibassis, 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.

The required reply is incomplete. According the Notice of August 19, 2009, replacement drawings must be filed.

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) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Andrew William White
243 Church St., Unit 205
St. Catharines ON L2R 3E8 CA CANADA

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of
Andrew William White, et al.
Application No. 12/457,214
Filed: June 4, 2009

CORRECTED
DECISION ON PETITION

This is a corrected decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The previous decision on petition mailed on December 27, 2010 was mailed in error and hereby **VACATED.**

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed August 19, 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 October 20, 2009. The Notice of Abandonment was mailed June 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $300 Early Pre-Grant Publication fee and the $220 additional claim fee, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/457,228	06/04/2009	Arne Lovik	3657-1061	3001

466 7590 05/20/2011
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

EXAMINER
LOBO, IAN J

ART UNIT	PAPER NUMBER
3662	

NOTIFICATION DATE	DELIVERY MODE
05/20/2011	ELECTRONIC

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

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

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

DocketingDept@young-thompson.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAY 19 2011

In re Application of Arne Lovik et al. SERIAL NO.: 12/457,228 FILED: June 4, 2009 FOR: METHOD AND APPARATUS FOR DETECTING AND CLASSIFICATION OF A SWIMMING OBJECT	: : : :	DECISION ON PETITION

This is a decision on the request filed June 4, 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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

MAILED

MAR 01 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Ishiyama :
Application No. 12/457,246 :
Filed: June 4, 2009 :
Attorney Docket No. 125834.03 :
For: ELECTRONIC POWER CONVERTER AND MOUNTING STRUCTURE OF SEMICONDUCTOR DEVICE

This is a decision on petition, filed December 9, 2010, requesting revival of the above-identified application.

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

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

Applicant's representative is a participant in the Office's E-Notification program, wherein applicant's representative receives a once daily e-mail notification of all applications in which outgoing Office correspondence has been issued. A review of the record indicates that e-mail notification of the *Ex Parte* Quayle Action in the subject application was sent on April 27, 2010. On April 27, 2010, the Office action was reviewed by applicant's representative.

This application was held abandoned on June 28, 2010 for failure to timely respond to the *Ex Parte* Quayle Action, mailed April 27, 2010, which set a two month extendable period for response. A Notice of Abandonment was issued on November 29, 2010.

Petitioner asserts that an unnamed junior docket clerk either failed to print a copy of the April 27, 2010 Office action or printed a copy of it and misplaced it before it was entered into Oliff & Berridge, PLC's computerized docketing system and Oliff & Berridge, PLC's secondary docket. When the Office's notification was checked to confirm that the Office Actions indicated thereon were properly entered into Oliff & Berridge, PLC's computerized docketing system, the April 27, 2010 Office action was inadvertently overlooked because an *Ex Parte* Quayle action for Attorney Docket No. 125834.02 was confirmed by a Docketing Department Supervisor. The

Attorney Docket No. for the subject application is 125834.03. Therefore, petitioners assert the delay in responding to the April 27, 2010 Office action was unavoidable.

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

This petition does not satisfy requirement (3) above.

With respect to (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable". 35 U.S.C. § 133. Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term '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"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

(A) the error was the cause of the delay at issue;
(B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
(C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See In re Egbers, 6 USPQ2d 1869, 1872 (Comm'r Pat. 1988), rev 'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, 10 USPQ2d 1787 (D.D.C. 1988); In re Katrapat, 6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988).

At this time, the Office is not requesting petitioner identify and obtain a statement from the unnamed junior staff member who viewed the April 27, 2010 Ex Parte Quayle Action and either did not print a copy or printed a copy and misplaced it before it was entered into the firm's docketing system and secondary docket. However, this decision should not be viewed as precluding any future request for such information.

How many junior staff members of the Oliff & Berridge, PLC Docketing Department view the firm's private PAIR system, retrieve and review correspondence, and then enter requirements found therein in Oliff & Berridge, PLC's docketing systems?

The Office requests petitioner state how long they have participated in the Office's E-Notification program and how many email notifications are successfully viewed and the requirements found therein docketed per year. How many email notifications were unsuccessfully handled per year? In other words, how many Office notifications where Office actions were listed therein, were improperly docketed/missed, per year?

The petition under 37 CFR 1.137(a) is dismissed.

ALTERNATIVE VENUE

Petitioner should consider filing a petition under 37 CFR 1.137(b).

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 an issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioners 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
Post Office Box 1450
Alexandria, VA 22313-1450

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

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

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
JUN 06 2011
OFFICE OF PETITIONS

In re Application of :
Ishiyama :
Application No. 12/457,246 : ON PETITION
Filed: June 4, 2009 :
Attorney Docket No. 125834.03 :
For: ELECTRONIC POWER CONVERTER AND MOUNTING STRUCTURE OF SEMICONDUCTOR DEVICE

This is a decision on renewed petition, filed April 29, 2011, requesting revival of the above-identified application.

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

Applicant's representative is a participant in the Office's E-Notification program, wherein applicant's representative receives a once daily e-mail notification of all applications in which outgoing Office correspondence has been issued. A review of the record indicates that e-mail notification of the *Ex Parte* Quayle Action in the subject application was sent on April 27, 2010. On April 27, 2010, the Office action was reviewed by applicant's representative.

This application was held abandoned on June 28, 2010 for failure to timely respond to the *Ex Parte* Quayle Action, mailed April 27, 2010, which set a two month extendable period for response. A Notice of Abandonment was issued on November 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of an amendment; (2) the petition fee of $ 540.00; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable. Petitioner has established that applicant's representative employs a reliable docketing system and that through unforeseeable circumstances, the due date for response to the *Ex Parte* Quayle Action, mailed April 27, 2010, was not entered in the docketing system.

This application is being referred to Technology Center G.A.U. 2835 for consideration of the amendment filed on December 9, 2010.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 12, 2011

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
Yamanaka, Shinya et, al	:	**DECISION ON PETITION**
Application No. 12/457,356	:	
Filed: 06/09/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. AQY2.001CPC1	:	***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 09, 2009.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE P.L.C.
P.O. BOX 8910
RESTON VA 20195

MAILED

NOV 21 2011

OFFICE OF PETITIONS

In re Patent No. 7,903,012	:	
Issue Date: March 08, 20101	:	
Application No. 12/457,363	:	DECISION ON PETITION
Filed: June 09, 2009	:	
Attorney Docket No. 12480-000376/US	:	

This is a decision on the petition under 37 CFR 1.182, filed October 14, 2011, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Ollie Person at (703) 756-1555 or Kimberly Terrell at (703) 756-1568 in the Office of Data Management.

A copy of this decision is being sent to Office of Data Management for issuance of duplicate Letters Patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Ollie Person and Kimberly Terrell, Randolph Square, 9th Floor, Room D30-B (Fax No. (571) 270-9753).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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WITHROW & TERRANOVA CT
100 REGENCY FOREST DRIVE , SUITE 160
CARY NC 27518

MAILED
AUG 30 2010
OFFICE OF PETITIONS

In re Application of :
Katpelly, et al. :
Application No. 12/457,429 :
Filed: June 10, 2009 :
Attorney Docket No. 1116-179 :

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
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
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Alexandria, Virginia 22313-1450
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Bib Data Sheet

CONFIRMATION NO. 6958

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/457,429	06/10/2009 RULE	725	2423	1116-179

APPLICANTS

Ravi Reddy Katpelly, Durham, NC;
Kunal Kandekar, Jersey City, NJ;
Mike Helpingstine, Chapel Hill, NC;
Scott Curtis, Durham, NC;

**** CONTINUING DATA ****************************

This appln claims benefit of 61/149,216 02/02/2009

**** FOREIGN APPLICATIONS ***********************

IF REQUIRED, FOREIGN FILING LICENSE GRANTED
** 06/25/2009

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed	☐ yes ☐ no	NC	7	37	5
35 USC 119 (a-d) conditions met	☐ yes ☐ no ☐ Met after Allowance				
Verified and Acknowledged	Examiner's Signature Initials				

ADDRESS
71739

TITLE

Dynamic video segment recommendation based on video playback location

FILING FEE RECEIVED 1207	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/457,436	06/10/2009	Naoto Moriya	141261	4244

25944 7590 02/28/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
NGUYEN, KIM T

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
02/28/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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Alexandria, VA 22313-1450
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FEB 25 2011

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

In re application of	:	**DECISION ON REQUEST TO**
Moriya et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/457,436	:	**PROSECUTION HIGHWAY**
Filed: June 10, 2009	:	**PROGRAM AND PETITION**
For: CONTROL DEVICE AND CONTROL	:	**TO MAKE SPECIAL UNDER**
METHOD FOR 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 December 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed December 22, 2010 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: 02/24/11

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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May 19, 2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

Re Application of
GOEGGE, JOERN, ET AL.
Application: **12/457483**
Filed: **06/12/2009**
Attorney Docket No: **342867US20**

: **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) June 12, 2009.

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

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

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

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/457,526	06/15/2009	Jorge A. Sanchez		2916

7590 04/05/2011
JORGE SANCHEZ
430 SW 63 CT
MIAMI, FL 33144

EXAMINER
PATEL, TAJASH D

ART UNIT	PAPER NUMBER
3765	

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.

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

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12457526	6/15/09	SANCHEZ ET AL.	

EXAMINER
Tejash Patel

ART UNIT	PAPER
3765	20110404

DATE MAILED:

JORGE SANCHEZ
430 SW 63 CT
MIAMI, FL 33144

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

Commissioner for Patents

In view of the petition filed on November 30, 2009, the joint inventorship in this nonprovisional application has been changed by the deletion of Pedro P. Gutierrez with Jorge Sanchez being the only named inventor in this application as per 37 CFR 1.48 (b).

/Tejash Patel/
Primary Examiner
Art Unit: 3765

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.
12/457,527	06/15/2009	Yu-Mao Lin	SUND-1107	9566

23995 7590 12/14/2011
RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER
SATTI, HUMAM M

ART UNIT	PAPER NUMBER
2422	

MAIL DATE	DELIVERY MODE
12/14/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RABIN & Berdo, PC
1101 14th Street, NW
Suite 500
Washington, DC 20005

MAILED

DEC 14 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In, re Application of: Yu-Mao Lin et al)
Application No. 12/457,527)
Attorney Docket No. SUND-1107)
Filed: 6/15/09)
For: Apparatus and method for motion adaptive deinterlacing)

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 6/15/09, 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 and preliminary amendment, satisfies conditions (i) - (iii) above; therefore, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of record.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-7527.

Brian T. Pendleton, SPE
Technology Center 2400
Network, Multiplexing, Cable and Security

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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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

MAILED
APR 15 2011
OFFICE OF PETITIONS

In re Application of Gustav David Marx Application No. 12/457,608 Filed: June 17, 2009 Attorney Docket No. 14674-004/DL	: : : : :	DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.1029(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 28, 2011, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required.

The instant petition does not include a recently signed doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned

application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

Additionally, 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.

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

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

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

By FAX: (571) 273-8300

Telephone 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.

The application is being forwarded to the Technology Center Art Unit 3771 for action in its regular turn.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Gustav David Marx
44 Brookshire Ciorcle
Thornhill, Ontario Canada L3T 7B4

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Alexandria, VA 22313-1450
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BERESKIN AND PARR LLP/S.E.N.C.R.L., S.R.L.
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Gustav David Marx	:	
Application No. 12/457,608	:	DECISION ON PETITION
Filed: June 17, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 14674-004/DL		37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed May 6 , 2011, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes a certificate by attending physician, Dr. Mark Wise. Accordingly, the above-identified application has been accorded "special" status.

A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

This matter is being referred to the Technology Center Art Unit 3771 for action on the merits commensurate with this decision.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Gustav David Marx
44 Brookshire Circle
Thornhill, Ontario
Canada
L3T 7B4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, L.L.P.
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON, DC 20005-1503

MAILED
APR 05 2011
OFFICE OF PETITIONS

Applicant: Kuroita
Appl. No.: 12/457,646
Filing Date: June 17, 2009
Title: HETEROCYCLIC COMPOUND AND USE THEREOF
Atty. Docket No.: 2009_0954A
Pub. No.: US 2010/0137587 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 August 3, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material error, resulting from faulty optical character recognition.

The request is DISMISSED.

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

The errors noted by requestor with respect to the formula and subscripts may be an Office error, but they are not material Office errors under 37 CFR 1.221(b). 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 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

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

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 error in paragraph [0169], wherein the letter "m" was inserted in the phrase "a m halogen atom" is clearly a typographical error. The error 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.

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

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

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

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

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

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Seung-June Yi et al	:	
Application No. 12/457,651	:	DECISION GRANTING PETITION
Filed: June 17, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 8737.195.00	:	

This is a decision on the petition filed July 26, 2011, which is being treated as a petition under 37 CFR 1.313(a), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on April 29, 2011, with the issue fee being due on or before July 29, 2011. The issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2474 for appropriate processing of the RCE filed July 26, 2011, and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/457,653	06/17/2009	Seung-June Yi	8737.193.00	9920

30827 7590 09/03/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

MAIL DATE	DELIVERY MODE
09/03/2010	PAPER

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

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

MAILED

SEP 03 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

In re Application of: YI, SEUNG-JUNE et al.
Application No. 12457653
Filed: June 17, 2009
For: METHOD FOR PERFORMING RANDOM ACCESS PROCEDURES AND TERMINAL THEREOF

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 12, 2010 and renewed August 26, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.
Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and Applicant must submit a claim correspondence table in English.

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

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the 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 was previously dismissed for failing to meet the requirements of item 3 above. The renewed request and claim amendment filed August 26, 2010 remedied this deficiency. The request to participate in the PPH program and petition are now found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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

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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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.
12/457,654	06/17/2009	Seung-June Yi	8737.191.00	7959

30827 7590 10/04/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
2472	

MAIL DATE	DELIVERY MODE
10/04/2010	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: YI et al.
Application No. 12/457,654
Filed: June 17, 2009
For: METHOD FOR DETECTING FAILURES OF RANDOM ACCESS PROCEDURES

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

MAILED

OCT 04 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 Sept. 21, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the 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); and

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

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

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.
12/457,687	06/18/2009	Masahiro Tsuchiya	141294	3303

7590 07/14/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
MEKHLIN, ELI S

ART UNIT	PAPER NUMBER
1728	

NOTIFICATION DATE	DELIVERY MODE
07/14/2011	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

FORM PET651G (Rev. 08/07)

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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DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria VA 22314

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Andrew A. Goldenberg, et al.	:	
Application No. 12/457,707	:	DECISION ON PETITION
Filed: June 18, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 16933	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 5, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant, Andrew A. Goldenberg's driver's license proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

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

The application is being forwarded to the Technology Center Art Unit 3737 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAR 28 2011
OFFICE OF PETITIONS

DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria VA 22314

In re Application of	:	
Andrew A. Goldenberg, et al.	:	
Application No. 12/457,708	:	DECISION ON PETITION
Filed: May 18, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 16932	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 5, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant, Andrew A. Goldenberg's driver's license proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

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

The application is being forwarded to the Technology Center Art Unit 3737 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of	:	
Akira Ito	:	
Application No. 12/457,745	:	DECISION GRANTING PETITION
Filed: June 19, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2875.3050001	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 11, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 28, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2815 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

---

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

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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.
12/457,786	06/22/2009	Anthony J. Rawlinson	141967	9891

7590 10/04/2010

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

EXAMINER

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
10/04/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 10/01/2010 NFARMER
05/21/2009 JADDO1 00000035 12457786
02 FC:1111 -540.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mila Shvartsman
P.O. Box 48652
Outremont QC H2V 4T9 CA CANADA

MAILED
AUG 16 2010
OFFICE OF PETITIONS

In re Application of	:	
Christopher Black	:	
Application No. 12/457,830	:	DECISION ON
Filed: June 23, 2009	:	PETITION 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 June 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Mila Shvartsman 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: Procaps L.P.
6000 Kieran
St-Laurent, Quebec H4S 2B5

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/457,830	06/23/2009	Christopher Black	

CONFIRMATION NO. 1613

POWER OF ATTORNEY NOTICE

Mila Shvartsman
P.O. Box 48652
Outremont, QC H2V 4T9
CANADA

OC000000043045872

Date Mailed: 08/13/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/25/2010.

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

/kainabinet/

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

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.
12/457,889	06/24/2009	Kiyomi Nagamiya	142015	3768

7590 05/27/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
PHAN, DAO LINDA

ART UNIT	PAPER NUMBER
3662	

NOTIFICATION DATE	DELIVERY MODE
05/27/2011	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.

Kiomi Jones

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/457,902	06/24/2009	Dae Won Lee	8737.207.00	1347

30827 7590 01/07/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
SKRIPNIKOV, ALEX

ART UNIT	PAPER NUMBER
2473	

MAIL DATE	DELIVERY MODE
01/07/2011	PAPER

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

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

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

In re Application of: LEE et al.
Application No. 12/457,902
Filed: June 24, 2009
For: METHOD FOR TRANSMITTING UPLINK SIGNALS

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

MAILED

JAN 07 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the 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.
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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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

MAILED

FEB 15 2012

OFFICE OF PETITIONS

In re Application of	**: DECISION ON REQUEST TO**
Satoshi TAGAWA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/457,926	**: PROSECUTION HIGHWAY**
Filed: June 25, 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 01-1907	**: TO MAKE SPECIAL UNDER**
For: Vehicle Driving Support Apparatus	**: 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 October 3, 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 <u>not</u> 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 notice of allowance was mailed on February 3, 2012.

Telephone inquiries concerning this decision should be directed to Joanne Hama at 571-272-2911 or in her absence, the undersigned at 571-272-7099.

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

Anthony Knight
Director
Office of Petitions

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

MAIL

AUG 02 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
FURIHATA, HIROBUMI et al	:	DECISION ON REQUEST TO
Application No. 12/457,941	:	PARTICIPATE IN PATENT
Filed: June 25, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 09USFP2171-K.F.	:	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 18, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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.

Pursuant to the "Notice regarding the Elimination of the Fee for Petitions To Make Special Filed Under the Patent Prosecution Highway (PPH) Programs" published in the Federal Register on May 25, 2010 (75 Fed. Reg. 29312), the fee under 37 CFR 1.17(h) for the petition to make special under the Patent Prosecution Highway (PPH) programs has been eliminated. The application is being forwarded to the TC Tech Support staff to process a refund of $130.00. From there application will be forwarded to the examiner for action on the merits commensurate with this decision.

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

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

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Frederick W. Zeyfang	:	
Application No. 12/457,995	:	NOTICE
Filed: June 29, 2009	:	
Atty Docket No.: 3948-0133PUS1	:	

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 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 file does not indicate a change of address has been submitted, although the address given on the present communication differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this notice is being mailed to the address given on this communication; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JAMES W. HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE
P.O. BOX 1364
FAIRFAX, VA 22038

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Decision Date : May 19,2011

In re Application of :

DECISION ON PETITION

John Storrie

Application No : 12458108

Filed : 30-Jun-2009

Attorney Docket No : 16944

This is an electronic decision on the petition, filed May 19,2011 ,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 **GRANTED.**

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on

06-07-2010

However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign 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 under 37 CFR 1.137(f) must be accompanied by:
(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date will be viewable in Private PAIR within one (1) business day.

This application file is being directed to the Office of Data Management.

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 Document Description: Petition automatically granted by EFS-Web	PTO/SB/64a U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING UNDER 37 CFR 1.137(f)**
Application Number	12458108
Filing Date	30-Jun-2009
First Named Inventor	John Storrie
Art Unit	2448
Examiner Name	NATISHA COX
Attorney Docket Number	16944
Title	Personal status communications manager

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b).

A grantable petition requires the following items:
(1) Petition fee;
(2) Reply;
(3) 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.

Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

☒ Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requries publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 06-07-2010

☒ The non-publication request has been filed on 30-Jun-2009

☒ STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice 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	/Alyssa Ann Finamore/
Name	Alyssa Ann Finamore
Registration Number	55177

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

MAILED

OCT 15 2010

OFFICE OF PETITIONS

Applicant: Koda et al.
Appl. No.: 12/458,157
Filing Date: July 1, 2009
Title: PERIPHERAL BLOOD FLOW-IMPROVING COMPOSITION
Attorney Docket No.: 48487-0005-01-US (440533)
Pub. No.: US 2009/0269424 A1
Pub. Date: October 29, 2009

This is a decision on the request entitled "Request for Reconsideration," received on January 25, 2010, which is being treated as a petition under 37 CFR 1.181. Petitioner request reconsideration of the decision which dismissed her request entitled "Request for Republication Pursuant to 37 CFR 1.221(a)," received on December 29, 2009.

The petition is DISMISSED.

Petitioner asserts that in accordance with 37 CFR 1.221(a) and MPEP 1130 that Applicant submitted a copy of the application in compliance with the Office electronic filing system requirements including the publication fee and the processing fee. Petitioner asserts that she supplied a copy of the application as requested, which was included with the "Request for Corrected Patent Applications" as evidenced by the attached copy of the filing receipt. Petitioner asserts that the request was to correct one of the inventor's names, which was misspelled by the Office. Petitioner asserts that the "Quick Start Guide" posted on the Office website stated that a request for corrected publication may be submitted via EFS-Web, but it is not submitted as a Pre-Grant Publication submission, as it is a document that will become part of the image file wrapper. For these reasons, Petitioner asserts that the Office should withdraw the dismissal and grant the "Request to correct the Inventor's name."

Regulation

1.221 Voluntary publication or republication of patent application publication.

(a)Any request for publication of an application filed before, but pending on, November 29, 2000, and any request for republication of an application previously published under § 1.211, must include 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 does

not comply with the requirements of this paragraph or the copy of the application does not comply with the Office electronic filing system requirements, the Office will not publish the application and will refund the publication fee.

(b)The Office will grant a request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than 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.

On December 29, 2009, Petitioner filed a document via EFS-Web entitled "Request for Republication Pursuant to 37 CFR 1.221(a)" and paid the publication fee and processing fee and selected the document descriptor "Request/Corrected Patent Application Publications." Petitioner's request was treated as a request for Republication under 37 CFR 1.221(a), which requires payment of the publication fee and processing fee in accordance with 37 CFR 1.221(a). In addition, the rule requires that the request be in compliance with the electronic filing system requirements, which are set forth in the "EFS-Legal Framework".

In accordance with the "EFS-Legal Framework" dated September 2008 and posted on the Office website an electronic submission for republication (37 CFR § 1.221(a)) must be submitted as a "Pre-Grant Publication" by selecting the "Pre-Grant Publication" radio button on the EFS-Web data collection screen and include the form fillable application data sheet (PTO/SB/14). See the link provided below:
http://www.uspto.gov/patents/process/file/efs/guidance/legalframework_2008.pdf

> Yes, EFS-Web enables users to electronically submit pre-grant publication requests for amended publication, redacted publication, voluntary publication, or republication under 37 CFR §§ 1.215, 1.217, 1.219, and 1.221(a) via EFS-Web. When filing pre-grant publication requests via EFS-Web, the form fillable application data sheet (PTO/SB/14) is required to be used for fulfilling the bibliographic data requirements. An electronic submission for voluntary publication, amended publication, republication (37 CFR § 1.221(a)) or redacted publication must be submitted as a "Pre-Grant Publication" by selecting the "Pre-Grant Publication" radio button on the EFS-Web data collection screen. It is not sufficient for a filer to merely submit a document via EFS-Web requesting voluntary publication, amended publication, republication or redacted publication without also selecting the "Pre-Grant Publication" radio button on the EFS-Web data collection screen.

The "Request for Republication Pursuant to 37 CFR 1.221(a)" was not filed as a 'Pre-Grant Publication" submission and did not include the form fillable application data sheet (PTO/SB/14), thus it is not in accordance with the electronic filing system requirements.

Petitioner assertion that the "Request for Republication . . . under 37 CFR 1.221(a)" is in accordance with the Office "Quick Start Guide," which states on page 3 that a request for corrected publication is submitted as a "Document for an existing application" is not persuasive. Page 1 of the "Quick Start Guide" states "[t]his overview will explain the application process by explaining and demonstrating how to electronically file a Pre-Grant Publication submission i.e.,

requests for voluntary publication, republication, amended publication, or redacted publication through EFS-Web. The "Guide" goes on to say that copy of the application including the fillable application data sheet must be submitted via EFS-Web as a "Pre-Grant Publication under 37 CFR 1.211-1.211. The page of the Quick Start Guide relied upon by Petitioner refers to a Corrected Publication, which is under 37 CFR 1.221(b) and Petitioner has filed a request for republication under 37 CFR 1.221(a). In accordance with MPEP 1130 and 37 CFR 1.221, the terms republication have been used to refer to republication pursuant to 37 CFR 1.221(a) and corrected publication has been used to refer to corrected publication pursuant to 37 CFR 1.221(b). MPEP 1130 states:

> If an applicant wishes to correct errors in a patent application publication, or republish the application with an amended specification (including amended claims) and/or replacement drawings, applicant may file a request for republication pursuant to 37 CFR 1.221(a). . . .
>
> If the Office made a material mistake in a patent application publication that is apparent from the Office records and applicant wishes to correct the material mistake, applicant may file a request for corrected publication pursuant to 37 CFR 1.221(b).

While Petitioner asserts that the Filing Receipt shows that she submitted a Request for Corrected Publication, the document submitted states that it is a request for a Republication under 37 CFR 1.221(a). Applicant's request notes that the misspelling of the inventor's name is not a material error in accordance with the MPEP 1130 and 37 CFR 1.221(b), thus the request was not treated as a request for corrected publication under 37 CFR 1.221(b). The original request was treated as a Request for Republication under 37 CFR 1.221(b) and dismissed.

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 and did not include the fillable application data sheet**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

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

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

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.
12/458,163	07/02/2009	Ehud Gazit	45786	2317

67801 7590 05/04/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER
DUTT, ADITI

ART UNIT	PAPER NUMBER
1649	

MAIL DATE	DELIVERY MODE
05/04/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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May 4, 2011

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

In re Application of	:	
Gazit, Ehud	:	**DECISION ON PETITION**
Application No. 12/458,163	:	
Filed: 07/02/2009	:	
Attorney Docket No. 45786	:	

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) July 2, 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 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 did not meet the following requirement(s). 1 ☐ 2 ☑ 3 ☐

The complete 3 sets of the latest dated drawings were not received.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/458,163	07/02/2009	Ehud Gazit	45786	2317

7590 05/26/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER
DUTT, ADITI

ART UNIT	PAPER NUMBER
1649	

MAIL DATE	DELIVERY MODE
05/26/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

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

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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES 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 26, 2011

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

In re Application of	:	
Gazit, Ehud	:	**DECISION ON PETITION**
Application No. 12/458,163	:	
Filed: 07/02/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 45786	:	***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 16, 2011.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/458,185	07/02/2009	Isabelle Conesa	137624	6462

7590 04/21/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
GRAY, JILL M

ART UNIT	PAPER NUMBER
1798	

NOTIFICATION DATE	DELIVERY MODE
04/21/2011	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.

Nina Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of :
Jang et al. :
Application No. 12/458,232 : ON PETITION
Filed: 07/06/2009 :
Attorney Docket Number: PHO0162US :

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 July 6, 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."

Petitioner asserts that color drawings are the only practical medium by which to disclosure the subject matter sought to be patented.

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. 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 2894.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D Wood

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

HOFFMAN, WASSON & GITLER, P.C.
SUITE 522
2461 SOUTH CLARK STREET
ARLINGTON VA 22202

MAILED

AUG 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Arthur Vanmoor	:	DECISION ON PETITION
Application No. 12/458,267	:	TO WITHDRAW
Filed: July 7, 2009	:	FROM RECORD
Attorney Docket No. A-11297.CIP	:	

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/83

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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HOFFMAN, WASSON & GITLER, P.C.
SUITE 522
2461 SOUTH CLARK STREET
ARLINGTON VA 22202

MAILED
OCT 06 2010
OFFICE OF PETITIONS

In re Application of Arthur Vanmoor Application No. 12/458,267 Filed: July 7, 2009 Attorney Docket No. A-11297.CIP	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 22, 2010.

The request is **APPROVED**.

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

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: Arthur Vanmoor
Nieuwezijds Voorburgwal 86, Suite 33
Amsterdam, The Netherlands 1012AT

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE

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

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/458,355	First Named Inventor:	BALLANTINE, Arne
Filing Date:	07-08-2009	Attorney Docket No.:	7917-383
Title of the Invention:	FUEL CELL SYSTEM WITH QUICK CONNECT COMPONENTS		

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: PCT/US10/41238

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

I. List of Required Documents:

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

☐ is attached.

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

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

☑ is attached.

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

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

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 03-14-2011

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

☐ are attached.

☑ have already been filed in the above-identified U.S. application on 03-14-2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/458,355	First Named Inventor:	BALLANTINE, Arne

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
26-31	26-31	US claims 26-31 are identical to PCT claims 26-31.
38-48	38-48	US claims 38-48 are identical to PCT claims 38-48.

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

Signature	Leon Rad	Date	2-23-12
Name (Print/Typed)	Leon Radomsky	Registration Number	43445

15. A fuel cell system, comprising:

a fuel cell assembly comprising at least one fuel cell stack; and

a fuel processing assembly comprising:

a processing section adapted to purify fuel for a fuel cell stack;

a natural gas inlet adapted to be connected to an infrastructure natural gas supply exterior to the fuel processing assembly and at least one first back-up fuel tank containing a first back-up fuel; and

an auxiliary fuel inlet adapted to be connected to a mobile auxiliary fuel storage device, wherein the auxiliary fuel inlet is a quick connection inlet,

wherein the fuel processing assembly includes at least one pressure sensor adapted to sense at least one fuel pressure in the natural gas inlet, the first back-up tank or the mobile auxiliary fuel device,

wherein the fuel cell system further comprises the mobile auxiliary fuel device,

wherein the mobile auxiliary fuel device includes a pressure sensor adapted to sense fuel pressure in the mobile auxiliary fuel device, and

wherein an output of the pressure sensor of the mobile auxiliary fuel device is connected to at least one of a sensor assembly including the pressure sensor of the fuel processing assembly or a control assembly adapted to control the fuel cell system.

16. A method of providing an auxiliary fuel to a fuel processing assembly of a fuel cell system, comprising:

at least one of detecting a lack of sufficient fuel from at least one primary fuel source or anticipating a lack of sufficient fuel from at least one primary fuel source;

fluidly quick connecting a mobile auxiliary fuel supply to the fuel processing assembly so that auxiliary fuel may be supplied to the fuel processing assembly;

providing purified fuel from the fuel processing module to at least one fuel cell stack;

connecting an output of a pressure sensor of the mobile auxiliary fuel supply to at least one of a sensor system adapted to sense pressure of a primary fuel source or a control assembly to prevent an automatic shut down of the at least one fuel cell stack; and

supplying auxiliary fuel to the fuel processing assembly.

17. A fuel processing module for a fuel cell system, comprising:

at least a first and a second separation unit;

a jumper assembly, including a flexible conduit having at two ends thereof respective quick connect fittings; and

a fuel circuit adapted to guide fuel from an inlet through the first and second separation units to a fuel cell module, wherein the fuel circuit includes a first bypass port having a quick connect fitting, a second bypass port having a quick connect fitting and a third bypass port having a quick connect fitting, such that a quick connection between the first and second ports by the jumper assembly bypasses the first separation unit.

18. The fuel processing module of claim 17, wherein a quick connection between the second port and the third port by the jumper assembly bypasses the second separation unit.

19. A fuel cell system, comprising:

the fuel processing module of claim 17; and

at least one fuel cell stack,

wherein the fuel circuit is connected to the at least one fuel cell stack.

20. The fuel cell system of claim 19, wherein the fuel circuit is connected to the at least one fuel cell stack by a quick connection fitting.

21. The fuel processing module of claim 16, wherein the fuel processing module includes N separator units and N+1 bypass ports and wherein each separator unit comprises a desulfurizer.

22. A fuel cell system, comprising:

at least one fuel cell stack; and

a fuel processing assembly adapted to purify fuel and output the purified fuel to the at least one fuel cell stack, the fuel processing assembly including:

at least a first and a second separation unit;

a fuel input conduit adapted to direct the fuel to the first separation unit, the fuel input conduit including a first outlet connected to an inlet of the first separation unit, and a first bypass port assembly;

a first conduit adapted to direct fuel from the first separation unit to the second separation unit, the first conduit including a first inlet connected to an outlet of the first separation unit, a second outlet connected to an inlet of the second separation unit and a second bypass port assembly; and

a second conduit adapted to direct fuel from the second separation unit to the at least one fuel cell stack, the second conduit including a second inlet adapted to be connected to an outlet of the second separation unit, and a third bypass port assembly,

wherein the first bypass port assembly is adapted to be opened when the first outlet is closed,

wherein the second bypass port assembly is adapted to be opened when at least one of the first inlet is closed or the second outlet is closed,

wherein the third bypass port assembly is adapted to be opened when the second inlet is closed,

wherein when the first bypass port assembly is fluidly coupled to the second bypass port assembly, the first bypass port assembly is open, the first outlet is closed, the second bypass port assembly is open and the first inlet is closed, the fuel cell system is adapted to transfer the fuel from the first fuel input conduit to the first conduit without passing through the first separation unit, and

wherein when the second bypass port assembly is fluidly coupled to the third bypass port assembly, the second bypass port assembly is open, the second outlet is closed, the third bypass port assembly is open, and the second inlet is closed, the fuel cell system is adapted to transfer fuel from the first separation unit to the second conduit without passing through the second separation unit.

23. The fuel processing module of claim 22, wherein when the first separation unit is connected to the first outlet and the first inlet, and when the second separation unit is connected to the second outlet and second inlet, the fuel circuit is such that fuel flows from the first fuel input conduit past the first bypass port through the first outlet into the first separation unit and out of the first separation unit through the first inlet into the first conduit and past the second bypass port and then through the second outlet into the second separation

unit and out of the second separation unit through the second inlet and into the second conduit towards the third bypass port.

24. The fuel cell system of claim 23, wherein when the first bypass port and the second bypass port are connected, a fuel circuit is established such that fuel flows from the first fuel input conduit though the first bypass port and through the connection and then through the second bypass port to enter the first conduit.

25. The fuel cell system of claim 24, wherein when the second bypass port and the third bypass port are connected, a fuel circuit is established such that fuel flows from the first conduit through the second bypass port and through the connection and then through the third bypass port to enter the second conduit.

26. A method of performing maintenance on a fuel cell system including a fuel processing assembly that includes a plurality of separation units adapted to purify a fuel, the method comprising the following actions, all of which are performed while the fuel cell system is generating electricity by receiving a purified fuel from the fuel processing assembly:

redirecting the fuel to bypass one or more of the separation units so that the fuel may be received by other separation units; and

removing or servicing one or more of the one or more bypassed separation units.

27. The method of claim 26, further comprising the following actions, all of which are performed while the fuel cell system is generating electricity by receiving a purified fuel from the fuel processing assembly:

removing one or more of the one or more bypassed separation units; and

installing one or more separation units in a location previously occupied by the removed one or more bypassed separation units.

28. The method of claim 27, further comprising the following actions, all of which are performed while the fuel cell system is generating electricity by receiving a purified fuel from the fuel processing assembly:

redirecting the fuel through the installed one or more separation units.

29. The method of claim 26, wherein the action of redirecting the fuel to bypass one or more separation units comprises connecting a jumper with quick connect fittings on two ends of the jumper to bypass ports and halting flow of fuel to the one or more bypassed separation units.

30. The method of claim 26, wherein the separation units are adapted to desulfurize the fuel.

31. The method of claim 26, wherein there are N separation units and N+1 bypass ports in a fuel circuit encompassing the separation units.

32. A method of performing maintenance on a fuel cell system including a fuel processing assembly that includes a plurality of separation units adapted to purify a fuel for use as fuel for a fuel cell stack, the method comprising the following actions, all of which are performed while the fuel cell system is generating electricity by receiving purified fuel from the fuel processing assembly:

(i) attaching a jumper with a quick connect on a first end and a quick connect on a second end to a first bypass port assembly;

(ii) attaching the jumper to a second bypass port assembly;

(iii) redirecting at least a portion of the fuel around at least a first separation unit fluidly located in between the first bypass port assembly and the second bypass port assembly so that the fuel is provided from an inlet to a second separation unit without passing through the first separation unit; and

(iv) removing or servicing the first separation unit.

33. The method of claim 32, wherein action "iv" comprises removing the first separation unit, the method further comprising:

(v) installing a third separation unit in the location in the fuel processing assembly previously occupied by the first separation unit; and

(vi) redirecting the fuel through the third separation unit.

34. The method of claim 32, wherein the first separation unit and the second separation unit comprise desulfurization units.

35. The method of claim 32, wherein the action of servicing the first separation unit comprises cleaning the first separation unit.

36. The method of claim 32, wherein the action of servicing the first separation unit comprises cleaning the first separation unit, the method further comprising the following actions, all of which are performed while the fuel cell system is generating electricity by receiving purified fuel from the fuel processing assembly:

(v) fluidly connecting a bleed assembly to the first separation unit, wherein the bleed assembly is adapted to effectively reduce flow of the fuel out of the first separation unit relative to flow of the fuel out of the first separation unit without the bleed hose fluidly connected thereto; and

(vi) permitting a portion of the first fuel to flow into the first separation unit for a period of time sufficient to effectively purge the first separation unit.

37. The method of claim 36, further comprising, after action "vi", the action of removing the bleed assembly from the first separation unit and placing the first separation unit into fluid communication with the second separation unit.

38. A method of testing a fuel cell system, comprising:

providing a fuel cell module including a fuel cell stack including a fluid inlet connected to a fluid outlet of a fuel processing module that purifies a fuel for the fuel cell stack, thereby creating a fluid circuit extending between the fuel cell module and the fuel processing module;

closing off a first end of the fluid circuit, the first end located in the fuel cell module;

permitting a fluid to flow from the fuel processing module through the fluid circuit to the fuel cell module so that the fluid reaches the first end;

sensing a first pressure of the fluid that has flown into the fluid circuit while the first end is closed off and a second end is open; and

determining whether the sensed first pressure in the fluid circuit is indicative of a leak in the fuel cell system.

39. The method of claim 38, further comprising:

closing off a second end of the fluid circuit, the second end located in the fuel processing module;

sensing a second pressure of the fluid in the fluid circuit while the first end is closed off and while second end is closed off; and

determining whether the sensed second pressure in the fluid circuit is indicative of a leak in the fluid circuit.

40. The method of claim 39, further comprising:

opening the first and second ends of the fluid circuit so that fluid flows from the fluid processing module through the fluid circuit to the fuel cell stack;

sensing a third pressure of the fluid in the fluid circuit while the fluid is flowing from the fuel processing module through the fluid circuit to the fuel cell stack; and

determining whether the sensed third pressure in the fluid circuit is indicative of a leak in the fuel cell system.

41. The method of claim 40, further comprising:

shutting down operation of the fuel cell system if a determination is made that at least one of the sensed first pressure, second pressure or third pressure in the fluid circuit is indicative of a leak in the fuel cell system.

42. The method of claim 39, wherein the fluid comprises a fuel or an inert gas.

43. A fuel cell system, comprising:

a fuel cell module including a fuel cell stack, wherein the fuel cell module includes a fluid inlet; and

a fuel processing module that purifies a fuel for the fuel cell stack, wherein the fuel processing module includes a fluid outlet connected to the fluid inlet of the fuel cell module, thereby forming a fluid circuit extending between the fuel cell module and the fuel processing module,

wherein the system is configured to:

at least one of close off or permit a user to close off a first end of the fluid circuit, the first end located in the fuel cell module;

at least one of cause or permit a user to cause a fluid to flow from the fuel processing module through the fluid circuit to the fuel cell module so that the fluid reaches the first end;

sense a first pressure of the fluid that has flown into the fluid circuit while the first end is closed off; and

at least one of determine or permit a user to determine whether the sensed first pressure in the fluid circuit is indicative of a leak in the fuel cell system.

44. The fuel cell system of claim 43, wherein the fuel cell system is further configured to:

at least one of close off or permit a user to close off a second end of the fluid circuit, the second end located in the fuel processing module;

sense a second pressure of the fluid in the fluid circuit while the first end is closed off and while second end is closed off; and

at least one of determine or permit a user to determine whether the sensed second pressure in the fluid circuit is indicative of a leak in the fluid circuit.

45. The fuel cell system of claim 43, wherein the fuel cell system is further configured to:

at least one of open or permit a user to open the first end and the second end of the fluid circuit so that fluid flows from the fuel processing module through the fluid circuit to the fuel cell stack;

sense a third pressure of the fluid in the fluid circuit while the fluid is flowing from the fuel processing module through the fluid circuit to the fuel cell stack; and

at least one of determine or permit a user to determine whether the sensed third pressure in the fluid circuit is indicative of a leak in the fuel cell system.

46. The fuel cell system of claim 45, wherein the fuel cell system is further configured to:

prohibit operation of the fuel cell system if a determination is made that the sensed first pressure in the fluid circuit is indicative of a leak in the fuel cell system.

47. The fuel cell system of claim 44, wherein the fuel cell system is further configured to:

prohibit operation of the fuel cell system if a determination is made that the sensed second pressure in the fluid circuit is indicative of a leak in the fluid circuit.

48. The fuel cell system of claim 45, wherein the fuel cell system is further configured to:

shut down operation of the fuel cell system if a determination is made that the sensed third pressure in the fluid circuit is indicative of a leak in the fuel cell system.

49. A fuel cell system, comprising:

a first module of the fuel cell system;

a second module of the fuel cell system being adapted to be placed into fluid communication with the first module, wherein the second module is adapted to be removed, as a module, from the first module; and

a quick connect alignment system that guides the second module as the second module is moved in the direction of gravity to rest on a second module support so that the second module has a specific orientation with respect to the first module.

50. The fuel cell system of claim 49, wherein the first module comprises a fuel processing module and the second module comprises a fuel cell module including at least one fuel cell stack.

51. The fuel cell system of claim 50, wherein the quick connect alignment system prevents movement of the fuel processing module from the specific orientation with respect to the fuel processing module.

52. The fuel cell system of claim 50, wherein the alignment system is adapted to render the fuel cell module aligned in the X and Y axes, with the processing module, once the fuel cell module is at least substantially supported by the fuel cell module support, wherein the X and Y axis are orthogonal to each other and wherein the X and Y axis are both orthogonal to the direction of gravity.

53. The fuel cell system of claim 52, wherein the alignment system is adapted to render the fuel cell module aligned in the Z axis parallel to the direction of gravity, once the fuel cell module is at least substantially supported by the fuel cell module support and after the movement of the fuel cell module in the direction of gravity is halted by the fuel cell module support.

54. The fuel cell system of claim 52, wherein the alignment system is adapted to guide the fuel cell module as it is moved in the direction of gravity onto the fuel cell module support so that a center of gravity of the fuel cell module is moved with respect to both the X and the Y axis after a portion of the alignment system on the fuel cell module comes into contact with a portion of the alignment system on the fuel processing module.

55. The fuel cell system of claim 50, wherein the alignment system comprises:

a first male portion extending from the fuel cell module;

a first female portion connected to the fuel processing module;

a second male portion extending from one of the first male or female portions and a second female portion connected to the other one of the first male or female portions;

wherein the first male portion, when seated in the first female portion, is adapted to prevent the fuel cell module from moving in a first axis,

wherein the second male portion, when seated in the second female portion, is adapted to prevent the fuel cell module from moving in a second axis orthogonal to the first axis, and

wherein the first and second axis are orthogonal to the direction of gravity.

56. The fuel cell system of claim 55, wherein:

the first male portion has an outer cross section, when taken along a first plane lying in the direction of gravity, in the form of a wedge;

the first female portion has an inner cross section, when taken along the first plane, that receives the wedge;

the second female portion is adapted to receive the second male portion simultaneously as the first female portion receives the first male portion; and

the second female portion has a geometry that closes around the second male portion as the second male portion travels toward the second female portion and as the first male portion travels toward the first female portion to be seated in the first female portion.

57. The fuel cell system of claim 55, wherein:

the first male portion has an outer cross section, when taken along a first plane lying in the direction of gravity, in the form of a wedge;

the first female portion has an inner cross section, when taken along the first plane, that conforms to the wedge;

the second male portion includes a bearing section that extends away from a surface of the first male portion; and

the second female portion has a channel that narrows in the direction of movement of the second male portion toward the second female portion to ultimately contact the bearing section as the second male portion is moved towards the second female portion.

58. The fuel cell system of claim 57, wherein:

the bearing section is a cylindrical section; and

the channel is in a general form of a V when viewed along a plane normal to the axis of the cylindrical section.

59. The fuel cell system of claim 55, wherein:

the first male portion has a right triangular shape outer cross-section when viewed along a first plane normal to the first direction and lying on the direction of gravity;

the first female portion has a right triangular shape inner cross-section with one leg open when viewed along a second plane normal to the second direction and lying on the direction of gravity; and

the second male portion comprises a cylinder extending from the first male portion, and the second female portion is in a form of a generally V shaped cut-out.

60. The fuel cell system of claim 50, further comprising a structural link adapted to structurally link the fuel cell module to the fuel processing module.

61. The fuel cell system of claim 60, wherein the structural link is removably bolted to the fuel cell module and the fuel processing module.

62. The fuel cell system of claim 50, wherein:

the alignment system includes a first male portion and a first female portion that receives the first male portion;

the first male portion is included in an assembly that extends downward in the direction of gravity from the fuel cell module and is located on a side of the module facing the fuel processing module; and

the first female portion is included in an assembly that extends from a side of the fuel processing module facing the fuel cell module, the female portion opening upward in the direction of gravity.

63. The fuel cell system of claim 62, wherein the alignment system includes a second male portion and a second female portion respectively located on (i) the first male portion and the first female portion or (ii) the first female portion and the first male portion.

64. A method of aligning a fuel cell module of a fuel cell system to a fuel processing module by using alignment system, comprising:

manipulating the fuel cell module to move it from a first location away from the fuel processing module to a second location proximate the fuel processing module a first distance in the direction of gravity above a fuel cell module support, on which the fuel cell module will ultimately rest; and

manipulating the fuel cell module to move it in a direction of gravity away from the second location so that the portion of the alignment system of the fuel cell module contacts the portion of the alignment system of the fuel processing module and the fuel cell module is guided towards the fuel processing module as the fuel processing module is moved in the direction of gravity so that the fuel cell module is located at a third location proximate the fuel processing module when the fuel cell module substantially rests on the fuel cell module support.

65. The method of claim 64, wherein the action of manipulating the fuel cell module to move it in the direction of gravity away from the second location causes the fuel cell module to be guided in a direction having a component orthogonal to the direction of gravity and orthogonal to the direction of movement of the fuel processing module towards the fuel processing module.

66. The method of claim 65, wherein the actions of manipulation are performed by a single forklift operator manipulating the fuel cell module with a forklift without guidance from another person.

67. The method of claim 66, further comprising the action of securing a link structure between the fuel cell module and the fuel processing module to secure the modules together.

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OFFICE OF PETITIONS

The Marbury Law Group, PLLC
11800 SUNRISE VALLEY DRIVE
15TH FLOOR
RESTON VA 20191

In re Application of
Arne BALLANTINE et al.
Application No. 12/458,355
Filed: July 8, 2009
Atty. Docket No.: 7917-383
For: FUEL CELL SYSTEM WITH QUICK CONNECT COMPONENTS

: DECISION ON REQUEST TO
: PARTICIPATE IN PCT-PPH 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) 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 1729 for action commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Dae-Woo Lee et al	:	
Application No. 12/458,371	:	DECISION GRANTING PETITION
Filed: July 9, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 302/137	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 15, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 13, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2889 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/458,466	07/13/2009	Ranjit Bhardwaj	P70791US1	7783

136 7590 03/07/2012
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER
OUSPENSKI, ILIA I

ART UNIT	PAPER NUMBER
1644	

MAIL DATE	DELIVERY MODE
03/07/2012	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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March 7, 2012

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

Re Application of
BHARDWAJ, RANJIT, E T Al.
Application: 12/458466
Filed: **07/13/2009**
Attorney Docket No: **P70791US1**

: 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) November 30, 2009.
The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

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

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

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/458,522	07/15/2009	H. Wayne Richardson	38184.07424	7757

38647 7590 05/19/2011
MILBANK, TWEED, HADLEY & MCCLOY LLP
INTERNATIONAL SQUARE BUILDING
1850 K STRET, N.W., SUITE 1100
WASHINGTON, DC 20006

EXAMINER
BROWN, COURTNEY A

ART UNIT	PAPER NUMBER
1617	

MAIL DATE	DELIVERY MODE
05/19/2011	PAPER

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

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

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Commissioner for Patents
United States Patent and Trademark Office
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MILBANK, TWEED, HADLEY & MCCLOY LLP
INTERNATIONAL SQUARE BUILDING
1850 K STRET, N.W., SUITE 1100
WASHINGTON DC 20006

In re Application of:	:
Richardson et al.	:
Serial No.: 12/458,522	: PETITION DECISION
Filed: July 15, 2009	:
Attorney Docket No.: **38184.07424**	

This is in response to the petition under 37 CFR § 1.59(b), filed April 29, 2011 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that a document containing information subject to a Protective Order submitted to the Patent Office on April 29, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

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

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

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

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November 21, 2011

H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

In re Application of	:	
Choi, Jun-Ho et al	:	**DECISION ON PETITION**
Application No.12/458,569	:	
Filed: 07/16/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No.P2843US00	:	***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) July 16, 2009.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/458,762	07/22/2009	Naoyoshi Takamatsu	142290	4137

25944 7590 11/26/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
BENSON, WALTER

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
11/26/2010	ELECTRONIC

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

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

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

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	
TAKAMATSU et al.	**: DECISION ON REQUEST TO**
Application No.: 12/458,762	**: PARTICIPATE IN THE PATENT**
Filed: 22 July 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 142290	**: PROGRAM AND PETITION**
For: VEHICLE EQUIPPED WITH	**: TO MAKE SPECIAL UNDER**
MOTOR AND INVERTER	**: 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 25 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

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

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

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

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

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

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WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

MAILED
AUG 26 2011
OFFICE OF PETITIONS

In re Application of :
HEIL, et al :
Application No. 12/458,793 : NOTICE
Filed: July 22, 2009 :
Attorney Docket No. A-11411 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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: 9598-201	Application Number (if known): 12/458,853	Filing date: July 24, 2009
First Named Inventor: Rick WINTER		
Title: ELECTROCHEMICAL ENERGY GENERATION SYSTEM		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date 1/28/11
Name (Print/Typed) Leon Radomsky	Registration Number 43,445

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

☐ *Total of _____ forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Rick WINTER

Serial No. 12/458,853

Filed: July 24, 2009

Docket No. 9598-201

Group Art Unit: 1726

Examiner: Ben Lewis

Confirmation No. 1959

For: ELECTROCHEMICAL ENERGY GENERATION SYSTEM

STATEMENT REGARDING PUBLICATION OF APPLICATION AND THE ELIGIBILITY REQUIREMENT

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This Statement is filed in conjunction with a Petition To Make Special Under The Green Technology Pilot Program.

The undersigned representative of the Applicants' states that the above listed application has been published. The publication fee is being paid in conjunction with the filing of the Petition To Make Special Under The Green Technology Pilot Program.

The undersigned representative of the Applicants further states that the above listed application is entitled to special status under the Green Technology Pilot Program because the invention materially contributes to the development of energy conservation by improving energy storage.

A favorable decision on the Petition To Make Special Under The Green Technology Pilot Program is earnestly solicited.

Respectfully submitted,

Date: 1/28/11

The Marbury Law Group PLLC
11800 Sunrise Valley Dr., Ste. 1000
Reston, VA 20191
703-391-2900

Leon Radomsky
Attorney for Applicants
Reg. No. 43,445

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.
12/458,853	07/24/2009	Rick Winter	9598-201	1959

22208 7590 02/07/2011
The Marbury Law Group, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON, VA 20191

EXAMINER
LEWIS, BEN

ART UNIT	PAPER NUMBER
1726	

NOTIFICATION DATE	DELIVERY MODE
02/07/2011	ELECTRONIC

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

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

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

ptonotices@marburylaw.com

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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2/7/2011

The Marbury Law Group, PLLC
11800 Sunrise Valley Drive
Suite 1000
Reston VA 20191

In re Application of	:	
Rick Winter	:	DECISION ON PETITION
Application No. 12/458,853	:	TO MAKE SPECIAL UNDER
Filed: July 24, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 9598-201	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 28, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone 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

UNITED STATES 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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PCT LEGAL ADMINISTRATION

The Marbury Law Group, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON VA 20191

In re Application of	:	
WINTER	:	
Application No.: 12/458,853	:	
Filing Date: 24 July 2009	:	DECISION
Attorney's Docket No.: 9598-201	:	
For: ELECTROCHEMICAL ENERGY	:	
GENERATION SYSTEM	:	

This is a decision on Petitioner's "Petition Under 37 CFR 1.182 Or Alternatively Under 37 CFR 1.78(a)(3) to Correct Priority Claim", filed 30 June 2010 in the United States Patent and Trademark Office (USPTO), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/US08/51111 filed on 16 January 2008.

For the reasons set forth below, the petitions under 37 CFR 1.182 and 1.78(a)(3) are **DISMISSED**.

Petition under 37 CFR 1.182

Applicant requests that the Office accept the priority claim made at the time of filing the above referenced application. Applicant acknowledges that at the time of filing, the filing date of the PCT international application was incorrect as stated in the first line of the specification. The international filing date should have read 16 January 2008, not 11 January 2008.

Applicant argues that the USPTO delay in notifying him within four months of the filing date that the present application did not have a proper claim to priority was the cause of his late request. The Office is not obliged to provide such notice to applicant; nor does applicant cite to any rule in support of his proposition. MPEP Section 201.11 F. states that applicants should carefully and promptly review their filing receipts in order to avoid the need for a petition and the surcharge. The Application Data Sheet did not contain the proper claim to priority because it did not state the relationship of the PCT application to the prior filed U.S. application. Applicant did not supply the Office with the statement of relationship of continuity under 35 U.S.C.§120 nor is the Office obliged to advise applicant of this omission.

Applicant was mistaken in his belief that the error on the filing receipt was not substantive, but considered it a typographical error. The petition under 37 CFR 1.182 cannot be employed to correct this date with the result that applicant may claim benefit of priority to the international application in the present application. The proper petition is to correct priority claims is under 37 CFR 1.78.

Applicant acknowledges that 37 CFR 1.78(a)(2)(i) requires a statement of relationship of the applications but argues that the rule does not specify the type of relationship which must be identified. The Manual of Patent Examining Procedure (MPEP), however, does state that the relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. A reference in compliance with 37 CFR 1.78(a)(2)(i) is needed since the proper relationship, which includes the type of continuing application, is not stated. *See* MPEP, (8th ed., Revision 7 (July 2008)), Section 201.11, Reference to Prior Application(s). Applicant's argument that the MPEP section is broad and not supported by the rule is specious. A reading of this pertinent section of the MPEP would offer sufficient guidance to applicant in filing a petition to claim benefit of priority under 35 U.S.C. 120. If the benefit of more than one nonprovisional application is claimed, then the relationship between each application (i.e. continuation, divisional or continuation-in-part) must be specified in order to establish copendency throughout the entire chain of prior-filed applications. Appropriate references must be made in each intermediate application in the chain of prior applications. Any benefit claim that does not both identify a prior application by its application number and specify a relationship between the application will not be considered to contain a specific reference to a prior application as required by 35 U.S.C. 120. Applicant's petition under 37 CFR 1.182 is dismissed.

Petition Under 37 CFR 1.78(a)(3)

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

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with items (1) and (3).

With regard to item (1), although the supplemental ADS filed on 14 April 2010 would contain a proper reference if entered, the supplemental ADS is not signed as required by 37 CFR 1.33(b). A signature on an accompanying cover letter is insufficient. Applicant may wish to refer to the most recent version of Form PTO/SB/14 (http://www.uspto.gov/forms/sb0014_fill.pdf) which contains an appropriate signature block.

With regard to item (3), the statement contained in the petition does specifically state that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Applicant is advised that perfection of a priority claim is not equivalent to the filing of a priority claim.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and an appropriate amendment or properly signed Supplemental Application Data Sheet titled in accordance with 37 CFR 1.76(c)(2) 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";

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

By hand: Customer Window located at:
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Cynthia Kratz at (571) 272-3286.

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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United States Patent and Trademark Office
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PCT LEGAL ADMINISTRATION

The Marbury Law Group, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON VA 20191

In re Application of	:	
WINTER	:	
Application No.: 12/458,853	:	
Filing Date: 24 July 2009	:	DECISION
Attorney's Docket No.: 9598-201	:	
For: ELECTROCHEMICAL ENERGY	:	
GENERATION SYSTEM	:	

This is a decision on Petitioner's "Renewed Petition Under 37 CFR 1.78(a)(3) to Correct Priority Claim", filed 14 April 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the international application identified in the concurrently filed amendment.

The petition is **DISMISSED**.

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

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

As to item (1), the petition does not comply with the requirements for a grantable petition under 37 CFR 1.78(a)(3), in that, a proper reference to the prior-filed international application has not been included in an amendment to the first sentence of the specification following the title or in an executed supplemental Application Data Sheet, as provided by 37 CFR §1.78(a)(2)(iii).

Applicant is advised that a supplemental application data sheet (ADS) must bear a proper title as required by 37 CFR 1.76(c)(2). The supplemental ADS submitted with the present petition does not bear a proper title.

With respect to Item (2), the petition fee has been paid.

With respect to Item (3), applicant's statement contains a proper statement of unintentional delay.
Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either an executed Supplemental Application Data Sheet or a proper amendment complying with 37 CFR 1.120 are required.

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

Any questions concerning this matter may be directed to Cynthia Kratz at (571) 272-3286.

/Bryan Lin/
Bryan Lin
Legal Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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The Marbury Law Group, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON VA 20191

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OCT 25 2011
PCT LEGAL ADMINISTRATION

In re Application of
WINTER
Application No.: 12/458,853
Filing Date: 24 July 2009
Attorney's Docket No.: 9598-201
For: ELECTROCHEMICAL ENERGY GENERATION SYSTEM

DECISION

This is a decision on Petitioner's "Second Renewed Petition Under 37 CFR 1.78(a)(3) to Correct Priority Claim", filed 09 August 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the international application identified in the concurrently filed application data sheet.

At the time of filing the present application, applicant did not make a proper claim for domestic priority. Thus, the filing of a petition under 37 CFR 1.78(a)(3) is necessary. Such petition is hereby **GRANTED**.

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

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

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an Supplemental Application Data Sheet, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper

statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1726 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application.

/Bryan Lin/
Bryan Lin
Legal Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of	:	
BARRY, Mark A.	:	
Application No. 12/458,948	:	DECISION ON PETITION
Filed: July 28, 2009	:	TO WITHDRAW
Attorney Docket No. **027404.0102C1US**	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 11, 2011.

The request is **NOT APPROVED.**

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

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

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

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

cc: **MARK A. BARRY/DAVID HENRY**
C/O DYKEMA GOSSETT PLLC
COMERICA BANK TOWER
1717 MAIN STREE, SUITE 4000
DALLAS, T X 75201

UNITED STATES PATENT AND TRADEMARK OFFICE

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Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston VA 20190

MAILED
DEC 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Yoshinari Yoshida, et al.	:	
Application No. 12/458,993	:	DECISION GRANTING PETITION
Filed: July 29, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 71450.0208	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 8, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 22, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[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.*

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12459078
Filing Date	25-Jun-2009
First Named Inventor	Rainer Knippelmeyer
Art Unit	2881
Examiner Name	BERNARD SOUW
Attorney Docket Number	Z9123-US-1-II
Title	PARTICLE-OPTICAL SYSTEMS AND ARRANGEMENTS AND PARTICLE-OPTICAL COMPONENTS FOR SUCH SYSTEMS AND ARRANGEMENTS

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	/BD Riter/
Name	Bruce D Riter
Registration Number	27379

UNITED STATES 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 : July 19,2011

In re Application of :

Rainer Knippelmeyer

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12459078

Filed : 25-Jun-2009

Attorney Docket No : Z9123-US-1-II

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 19,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2881 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
MAY 19 2011
OFFICE OF PETITIONS

GARY R. PELLETT
972 OLD STAGE ROAD
CENTRAL POINT, OR 97502

In re Application of Kordes	:	
Application No. 12/459,095	:	Decision on Petition
Filing Date: June 25, 2009	:	
Attorney Docket No. Korkthot/Min/	:	

This is a decision on the petition filed February 22, 2011, 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 submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

The Office mailed a Notice of Allowance on September 16, 2010. The notice required the submission of $595 for the issue fee. The notice set a statutory period for reply of three months. The Office did not receive a response to the notice. As a result, the application became abandoned on December 17, 2010. The Office mailed a Notice of Abandonment on February 22, 2011.

The instant petition states the Notice of Allowance was never received and requests withdrawal of the holding of abandonment.

MPEP 711.03(c)(I)(A) states, with emphasis added,

> [A]n allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action....
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the *master docket* for the firm. That is, if a three month period for reply was set in the nonreceived Office action, *a copy of the master docket* report showing all replies docketed for a date three months from the mail date of the nonreceived Office

action *must be submitted* as documentary proof of nonreceipt of the Office action. *If no such master docket exists, the practitioner should so state* and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has not submitted a copy of the relevant portion of a master docket or stated Petitioner does not maintain such a docket. Therefore, the petition cannot be granted.

Any request for reconsideration should include a copy of the relevant part of a master docket or state Petitioner does not maintain such a docket.

As a courtesy, a copy of the Notice of Allowance mailed September 16, 2010, is enclosed. A copy of the Notice of Allowability mailed with the Notice of Allowance is also enclosed.

Petitioner has the right to include a request for the Office to re-mail the Notice of Allowance and the Notice of Allowability in any request for reconsideration. If the notices are re-mailed, the Notice of Allowance would set a new time period for reply and, after receiving the Notice of Allowance, Petitioner would need to return the Part B-Issue Fee transmittal form with an indication the issue fee was previously paid on February 22, 2011.

If Petitioner wishes to avoid any delay in the issuance of the patent that will arise if the notices are re-mailed, Petitioner may simply complete and return the Part B-Issue Fee transmittal for, which is enclosed as part of the Notice of Allowance, with any request for reconsideration of the instant decision.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: Copy of Notice of Allowance mailed September 16, 2010
Copy of Notice of Allowability mailed September 16, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

40186 7590 09/16/2010

GARY R. PELLETT
972 OLD STAGE ROAD
CENTRAL POINT, OR 97502

EXAMINER	
MCCORMICK EWOLDT, SUSAN BETH	
ART UNIT	PAPER NUMBER
1661	

DATE MAILED: 09/16/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/459,095	06/25/2009	Tim-Hermann Kordes	KORKIHOT/MIN/	6845

TITLE OF INVENTION: MINIATURE ROSE PLANT NAMED 'KORKIHOT'

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$595	$0	$0	$595	12/16/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

40186 7590 09/16/2010

GARY R. PELLETT
972 OLD STAGE ROAD
CENTRAL POINT, OR 97502

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/459,095	06/25/2009	Tim-Hermann Kordes	KORKIHOT/MIN/	6845

TITLE OF INVENTION: MINIATURE ROSE PLANT NAMED 'KORKIHOT'

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$595	$0	$0	$595	12/16/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
MCCORMICK EWOLDT, SUSAN BETH	1661	PLT-121000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/459,095	06/25/2009	Tim-Hermann Kordes	KORKIHOT/MIN/	6845

40186 7590 09/16/2010

GARY R. PELLETT
972 OLD STAGE ROAD
CENTRAL POINT, OR 97502

EXAMINER
MCCORMICK EWOLDT, SUSAN BETH

ART UNIT	PAPER NUMBER
1661	

DATE MAILED: 09/16/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Notice of Allowability	Application No.	Applicant(s)	
	12/459,095	KORDES, TIM-HERMANN	
	Examiner	Art Unit	
	SUSAN B. MCCORMICK EWOLDT	1661	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *papers submitted on August 30, 2010*.

2. ☒ The allowed claim(s) is/are *1*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/S. B. MCCORMICK EWOLDT/
Primary Examiner, Art Unit 1661

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GARY R. PELLETT
972 OLD STAGE ROAD
CENTRAL POINT, OR 97502

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of Kordes :
Application No. 12/459,095 : Decision on Petition
Filing Date: June 25, 2009 :
Attorney Docket No. Korkthot/Min/ :

This is a decision on the renewed petition filed July 19, 2011, 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 submitted 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 should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

The Office mailed a Notice of Allowance on September 16, 2010. The notice required the submission of $595 for the issue fee and set a statutory period for reply of three months. The Office did not receive a response to the notice. As a result, the application became abandoned on December 17, 2010. The Office mailed a Notice of Abandonment on February 22, 2011.

A petition to withdraw the holding of abandonment was filed February 2, 2011. The petition stated the Notice of Allowance was never received at the address of record.

A decision dismissing the February 2, 2011 petition was mailed May 19, 2011. The decision stated,

> Petitioner has not submitted a copy of the relevant portion of a master docket or stated Petitioner does not maintain such a docket.... Therefore, the petition cannot be granted.
>
> Any request for reconsideration should include a copy of the relevant part of a master docket or state Petitioner does not maintain such a docket.

The instant request for reconsideration was filed July 19, 2011. The request includes a copy of the portion of a Receipt Mail Log showing all communications received from the USPTO from March 1, 2010, to April 11, 2011.

Petitioner appears to have construed the request for a "master docket" to be a request for a mail log. However, the USPTO does not consider a mail log to be a "master docket." MPEP 711.03(c)(I)(A) states, with emphasis added,

> [A petition to withdraw the holding of abandonment based on non-receipt of a communication] should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, *a copy of the master docket report showing all replies docketed for a date* three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. *If no such master docket exists,* the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; *incoming mail log*; calendar; reminder system; or the individual docket record for the application in question.

As shown by the quoted language set forth above, a master docket is essentially a docket/report showing all replies docketed for specific dates.

Although Petitioner supplied a mail log, Petitioner has not supplied the relevant portion of a master docket or stated such a master docket does not exist. Therefore, the request for reconsideration cannot be granted.

A review of the record indicates Petitioner maintains a "master docket." Specifically, the request states, "[A] handwritten monthly calendar, using a Franklin Calendar Planner, is maintained by the Correspondent, with all due dates noted." Petitioner can satisfy the "master docket" requirement by providing a copy of the page(s) of the Franklin Calendar Planner showing all replies docketed for December 16, 2010, or if no such replies were docketed, the page where replies due December 16, 2010 would have been docketed if such replies had existed.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web. Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
DEC 13 2011
OFFICE OF PETITIONS

GARY R. PELLETT
972 OLD STAGE ROAD
CENTRAL POINT, OR 97502

In re Application of Kordes	:	
Application No. 12/459,095	:	Decision on Petition
Filing Date: June 25, 2009	:	
Attorney Docket No. Korkthot/Min/	:	

This is a decision on the renewed petition filed October 11, 2011, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **granted**.

The Office mailed a Notice of Allowance on September 16, 2010. The notice required the submission of $595 for the issue fee and set a statutory period for reply of three months. The Office did not receive a response to the notice. As a result, the application became abandoned on December 17, 2010. The Office mailed a Notice of Abandonment on February 22, 2011.

The renewed petition demonstrates the Notice of Allowance was never received at the address of record. Therefore, the holding of abandonment is hereby withdrawn.

The Office of Data Management will be informed of the instant decision and the application will be issued as a 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

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

MAILED

SEP 28 2010

OFFICE OF PETITIONS

In re Application of Janice Carrington Application No. 12/459,131 Filed: June 26, 2009 Attorney Docket No. 37589-0017-00-US (440267)	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

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

The request is **NOT APPROVED**.

The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The current request does not set forth the following certifications: (2) and (3) above. Accordingly, any subsequent requests must include all of the above listed certifications pursuant to 37 CFR 10.40.

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

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
APR 15 2011
OFFICE OF PETITIONS

In re Application of Jancice Carrington Application No. 12/459,131 Filed: June 26, 2009 Attorney Docket No. 37589-0017-00-US (440267)	: : : : :	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 February 17, 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.*

While the renewed request under 37 CFR 1.36(b), sets forth all required certifications the however, a review of the file record does not indicate that a Statement Under 37 CFR 3.73(b) by the assignee has been filed in the instant application, therefore the request cannot be approved at this time.

There is an outstanding Office action mailed February 16, 2011, that requires a reply from the applicant.

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of	:	
Zhang et al.	:	
Application No. 12/459,153	:	ON PETITION
Filed: 06/26/2009	:	
Attorney Docket Number: KNST 200066US01	:	

This is in response to the Petition To Accept Color Drawings In Utility Application, filed in the United States Patent and Trademark Office (USPTO) on September 24, 2009, which is treated as a petition under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

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

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioner's argument has been considered, but is not persuasive. The Office has determined that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention sought to be patented, 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 2871.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PETROLEUM GEO-SERVICES, INC.
PO BOX 42805
HOUSTON, TX 77272-2805

MAILED
FEB 02 2012
OFFICE OF PETITIONS

In re Application of	:	
Antoni Marjan Ziolkowski, et al.	:	
Application No. 12/459,158	:	DECISION ON PETITION
Filed: June 26, 2009	:	
Attorney Docket No. PGS-09-21US	:	

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

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the publication fee on or before December 13, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed September 13, 2011. Accordingly, the date of abandonment of this application is December 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the publication fee of $300, (2) the petition fee of $1860; 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 this application should be directed to the Office of Data Management at their hotline 571-272-4200.

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

April M. Wise
Petitions Examiner
Office of Petitions

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JAN 26 2011

OFFICE OF PETITIONS

FRANK J. BONINI, JR.
HARDING, EARLEY, FOLLMER & FRAILEY
P.O. BOX 750
VALLEY FORGE, PA 19482-0750

In re Application of	:	
Louis Stewart	:	
Application No. 12/459,172	:	ON PETITION
Filed: June 26, 2009	:	
Attorney Docket No. B-7407	:	

This is a decision on the petition, filed December 13, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. ***See* 37 CFR 1.137(f).**

The petition is **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. No additional petition fee is required.

A review of the file record shows that a Request to Rescind was filed on December 13, 2010. Apparently, the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition 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
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 concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FRANK J. BONINI, JR.
HARDING, EARLEY, FOLLMER & FRAILEY
P.O. BOX 750
VALLEY FORGE, PA 19482-0750

MAILED

MAR 28 2011

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Louis Stewart :
Application No. 12/459,172 :
Filed: June 26, 2009 :
Attorney Docket No. B-7407 :

This is a decision on the renewed petition, filed February 4, 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 24, 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.

A review of the file record indicates that a Request to Rescind under 35 U.S.C. § 122(b)(2)(B)(i) was filed on December 13, 2010. The request has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 30, 2011, accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center Art Unit 2175 for examination on the merits.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/459,172	06/26/2009	Louis Stewart	B-7407

CONFIRMATION NO. 9787

Frank J. Bonini, JR.
Harding, Earley, follmer & Frailey
P.O. Box 750
Valley Forge, PA 19482-0750

NONPUBLICATION RESCISSION LETTER

OC000000046738682

Date Mailed: 03/23/2011

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

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

The projected publication date is 06/30/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

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

/atkelley/

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

OPAP IAP25 FEB 10 2011 PATENT & TRADEMARK OFFICE

PATENT
Docket No. 2664/A408US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: KORODI, et al.

Group Art Unit	:	1614
Application No.	:	12/459,198
Examiner	:	NIEBAUER, RONALD T
Filed	:	June 25, 2009
Docket No.	:	2664/A408US1
For	:	CASPOFUNGIN FREE OF CASPOFUNGIN IMPURITY A

COMMISSIONER FOR PATENTS
PETITIONS BRANCH
P. O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
Date: February 7, 2011
Signature: Eunice K. Chang
Eunice K. Chang

Submission of Request for Participation in the Patent Prosecution Highway (PPH) Program

Sir:

Applicant hereby requests participation in the Patent Prosecution Highway (PPH) Program and ***petitions to make this application special under the PPH Program.*** To comply with the requirements set forth in 1351 OG 208, the following papers are transmitted

1) Form PTO/SB/20PCT-EP (05-10) - Request for Participation in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) Pilot Program between the European Patent Office (EPO) and the USPTO; with the following attachments:

- a copy of all claims indicated by the ISA as having novelty, inventive step and industrial applicability in the International Application PCT/US2009/003840); and
- A copy of the latest international work product which indicated that certain of the claims have novelty, inventive step and industrial applicability: Written Opinion of the International Searching Authority (the EPO) for International Application PCT/US2009/003840.

2) A copy of a preliminary amendment under 37 CFR § 1.115, filed concurrently with this petition, which serves to amend the pending claims to correspond to the claims indicated by the International Searching Authority in the corresponding PCT application PCT/US2009/003840 as having novelty, inventive step and industrial applicability.

REMARKS

In view of the foregoing document(s) transmitted herewith to comply with the Requirements For Participation in the Patent Prosecution Highway (PPH) Program between the PCT and the USPTO, Applicants respectfully request participation in the program as well as accelerated examination of this application.

The Examiner is invited to contact the undersigned at 215-293-6519 to discuss any matter concerning this request.

As of May 25, 2010, the USPTO has eliminated the fee for the petition to make special under the PPH programs. Nonetheless, if any fees are due with this filing, the Office is authorized to charge such fees to Deposit Account No. 11-0600.

Respectfully submitted,

Date: February 7, 2011

/Timothy W. Davenport/

Timothy W. Davenport
Reg. No. 47,515
P. O. Box 1090
North Wales, PA 19454
USA
Phone: 215-293-6519
CUSTOMER NUMBER 26646

OPAP IAP25 FEB 1 0 2011 PATENT & TRADEMARK OFFICE

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/459,198	Filing date:	06-25-2009
First Named Inventor:	Ferenc Korodi		
Title of the Invention:	Caspofungin Free of Caspofungin Impurity A		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/003840

The international filing date of the corresponding PCT application(s) is/are: June 25, 2009

I. List of Required Documents:

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

- [x] 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).**

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/459,198
First Named Inventor:	Ferenc Korodi

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 February 7, 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 February 7, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claims in the PCT and US are identical
2	2	Claims are substantially identical (minor, obvious grammatical errors were corrected in the US claim 2)
27	27	Claims in the PCT and US are identical
28	28	Claims in the PCT and US are identical
29	29	Claims in the PCT and US are identical
30	30	Claims in the PCT and US are identical
31, 34	31	Claims are substantially identical (phrase "preferably at 225 nm" in PCT claim 31 is recited in new dependent claim 34 in the US)

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

Signature /Timothy W. Davenport/	Date February 7, 2011
Name (Print/Typed) Timothy W. Davenport	Registration Number 47,515

OPAP IAP25 FEB 1 0 2011 PATENT & TRADEMARK OFFICE

PATENT
Docket No. 2664/A408US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: KORODI, et al.

Group Art Unit	:	1614
Application No.	:	12/459,198
Examiner	:	NIEBAUER, RONALD T
Filed	:	June 25, 2009
Docket No.	:	2664/A408US1
For	:	CASPOFUNGIN FREE OF CASPOFUNGIN IMPURITY A

Copy of all claims indicated by the ISA as having novelty, inventive step and industrial applicability in the International Application PCT/US2009/003840

COMMISSIONER FOR PATENTS
PETITIONS BRANCH
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached here is a copy of all claims indicated as having novelty, inventive step and industrial applicability in the International Application PCT/US2009/003840, in accord with Part Ib of USPTO Form PTO/SB/20PCT-EP (05-10).

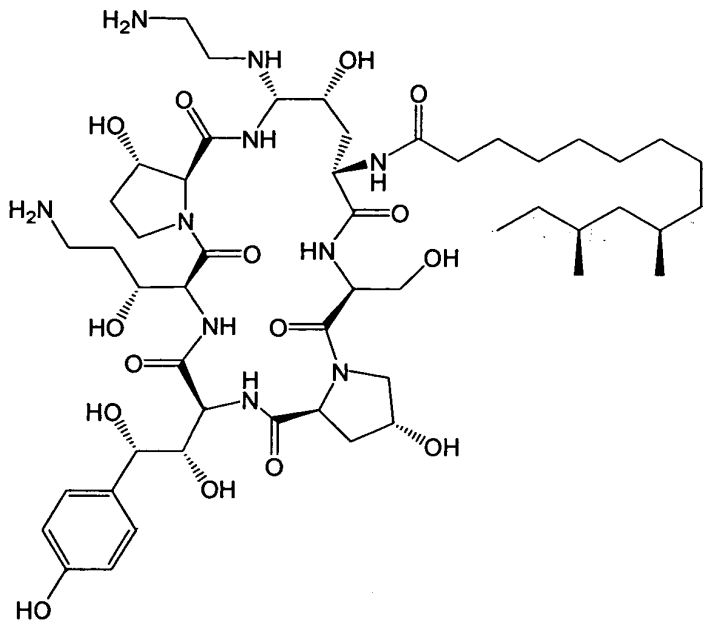
Respectfully submitted,

Date: February 7, 2011

/Timothy W. Davenport/
Timothy W. Davenport
Reg. No. 47,515
P. O. Box 1090
North Wales, PA 19454
USA
Phone: 215-293-6519
CUSTOMER NUMBER 26646

Claims in International Application PCT/US2009/003840 that were indicated by the ISA to have novelty, inventive step and industrial applicability

1. Isolated caspofungin impurity A, 1-((4R,5S)-5-(2-Aminoethylamino)-N2-(10,12-dimethyl-1-oxotetradecyl)-4-hydroxy-L-ornithine)-2-L-serine-5-((3R)-3-hydroxy-L-ornithine)-pneumocandin Bo, having the following formula:



2. The isolated caspofungin impurity of claim 1 characterized by data selected from: a ^{1}HNMR spectrum having hydrogen chemical shifts at about 0.81, 0.82, 0.83, 1.46, 1.75, 1.84, 3.57, 3.77, 3.90, 3.92, 4.11, 4.17, 4.27, 4.40, 6.66, 6.98 ppm; a ^{13}CNMR spectrum having carbon chemical shifts at about 11.00, 19.64, 20.18, 23.84, 25.29, 29.19, 29.50, 31.05, 33.38, 34.65, 35.02, 37.38, 45.60, 49.56, 54.25, 54.55, 55.37, 61.06, 61.68, 62.65, 68.51, 68.70, 69.26, 69.76, 73.13, 73.22, 75.97, 114.69, 128.09, 132.28, 156.59, 166.61, 169.39, 170.63, 170.71, 171.19, 173.68, 174.75 ppm ; an MS (ESI $^{+}$) spectrum having peaks at about: m/z= 540.319 ($[M+2H]^{2+}$) , 1079.630 ($[M+H]^{+}$) and by a retention time of about 18 min in HPLC analysis, and by a relative retention time of about 0.95.

3-26. (Not found by the ISA to have novelty or inventive step)

27. A process for enriching presence of impurity A in a mixture with caspofungin comprising:

a) putting the mixture in a column and adding water and acetonitrile to the

column;

b) collecting samples with enriched impurity A;

c) optionally repeating steps a) and b),

d) diluting the enriched sample with water to obtain a solution;

e) adding the solution to the column;

f) adding ethanol containing acetic acid to the column;

g) collecting samples with enriched impurity A;

h) optionally repeating steps a) and b).

28. A method of using caspofungin impurity A as a reference marker to analyze the purity of caspofungin comprising:

a) providing a reference sample comprising caspofungin and caspofungin impurity A;

b) analyzing the reference sample by HPLC and determining the relative retention time caspofungin impurity A compared to caspofungin;

c) analyzing a sample of caspofungin by HPLC and determining the relative retention times of the contents of the sample as compared to caspofungin; and

d) comparing the relative retention times calculated in step c) to the relative retention time calculated in step b) for caspofungin impurity A, wherein if any of the relative retention times calculated in step c) are substantially the same as the relative retention time of caspofungin impurity A then caspofungin impurity A is present in the sample of caspofungin.

29. A method of using caspofungin impurity A as a reference standard for determining the amount of caspofungin impurity A in a caspofungin sample comprising:

a) measuring by HPLC the area under the peak corresponding to caspofungin impurity A in a sample of caspofungin having an unknown amount of caspofungin impurity A;

b) measuring by HPLC the area under a peak corresponding to caspofungin impurity A in a reference standard comprising a known amount of caspofungin impurity A; and

c) determining the amount of caspofungin impurity A in the caspofungin sample by comparing the area calculated in step a) to the area calculated in step b).

30. A quantification method for determining the amount of caspofungin impurity A in a caspofungin sample comprising:

a) measuring by HPLC the area under the peak corresponding to caspofungin impurity A in a sample of caspofungin having an unknown amount of caspofungin impurity A;

b) measuring by HPLC the area under a peak corresponding to caspofungin in a reference standard having a known amount of caspofungin; and

c) determining the amount of caspofungin impurity A in the caspofungin sample by comparing the area calculated in step a) to the area calculated in step b).

31. The method of claim 30, wherein the HPLC method used includes the following steps:

(a) combining a caspofungin and salts thereof sample with a mixture of acetonitrile:water in a ratio of about 1:1, to obtain a solution;

(b) injecting the solution of step (a) into a Synergi Hydro-RP (or similar) column;

(c) eluting the sample from the column at about 20 min using a mixture of buffer, acetonitrile:water (85:15) and methanol:buffer mix (80:18) as an eluent, and

(d) measuring the impurity A content in the relevant sample with a UV detector (preferably at a 225 nm wavelength).

32-34. (Not found by the ISA to have novelty or inventive step)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

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

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/003840	25.06.2009	25.06.2008

International Patent Classification (IPC) or both national classification and IPC
INV. C07K7/56 A61P31/10

Applicant
TEVA GYOGYSZERGYAR ZARTKÖRÜEN MÜKÖDÖ ...

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 43*bis*.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 usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

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

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

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

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Baston, Eckhard Telephone No. +49 89 2399-8229

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application 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 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:

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

1. Statement

Novelty (N)	Yes:	Claims	1-2,27-31
	No:	Claims	3-26,32-34
Inventive step (IS)	Yes:	Claims	1-2,27-31
	No:	Claims	3-26,32-34
Industrial applicability (IA)	Yes:	Claims	1-34
	No:	Claims	

2. Citations and explanations

see separate sheet

To section V

The following documents were cited in the search report and were considered for the examination of the present application:

D1: WO 2008/012310 A (SANDOZ AG [CH]; WELZ CHRISTIAN [AT]; STUBAUER GOTTFRIED [AT]; SCHMARDA) 31 January 2008 (2008-01-31)
D2: WO 2007/057141 A (SANDOZ AG [CH]; LUDESCHER JOHANNES [AT]; MACHER INGOLF [AT]; STORM OLE) 24 May 2007 (2007-05-24)
D3: WO 2008/048627 A (TEVA GYOGYSZERGYAR ZARTKORUEN [HU]; TEVA PHARMACETICALS USA INC [US];) 24 April 2008 (2008-04-24)
D4: WO 96/24613 A (MERCK & CO INC [US]; BELYK KEVIN M [US]; BENDER DEAN R [US]; BLACK REG) 15 August 1996 (1996-08-15)
D5: WO 00/08197 A (MERCK & CO INC [US]; CONNORS NEAL C [US]; PETERSEN LESLIE A [US]; HUGH) 17 February 2000 (2000-02-17)

The present application is directed to an impurity A of Caspofungin and to Caspofungin which is characterized by a low amount of this impurity and to related processes and methods.

Claims 1-2 and 27-31 are novel (Art. 33(2) PCT), since no document of the prior art reveals this byproduct according to claim 1 and related processes and methods.

Claim 4 which is directed to pure Caspofungin is not novel, since the degree of purity is not a novelty-establishing feature. The purification of a chemical compound lies within the routine work of a chemist of ordinary skill (compare also D1, page 66). Claim 6 is also not novel, since the application of reversed phase chromatography as purification technique is known from D1. Claims 32-34 are not novel by consequence, since e.g. D1 is also directed to pharmaceutical compositions of Caspofungin.

The problem to be solved by the present application can be seen in the provision of impurity A of Caspofungin which can be used as reference material to analyze the purity of the target molecule (claim 1). Caspofungin and pharmaceutical compositions are known from D1. Thus there seems to be no common technical feature present at least amongst claims 1,6 and 32, which thus diverge in three different directions and which do not support unity of invention (Rule 13.1 PCT).

The description (pages 12-14) contains spectral data which make it credible that the claimed derivative (impurity) of Caspofungin has been prepared and can thus be used as e.g. standard when assessing the purity of the target moelcule. The involvement of an inventive step (Art. 33(3) PCT) for claims 1-2 and 27-31 can thus be acknowledged.

Claim 34 relates to a subject-matter considered by this Authority to be covered by the provision of Rule 39.1(iv)/67.1(iv) PCT. The patentability can be dependent upon the formulation of the claims. The EPO, for example, does not recognize as patentable claims to the use of a compound in medical treatment, but may allow claims to a product in particular substances or compositions for in a first or further medical treatment.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/459,198	06/25/2009	Ferenc Korodi	2664/A408US1	2661

26646 7590 05/20/2011
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER
NIEBAUER, RONALD T

ART UNIT	PAPER NUMBER
1654	

MAIL DATE	DELIVERY MODE
05/20/2011	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.

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

In re Application of KORODI ET AL. Application No. 12/459,198 Filed: June 25, 2009 Attorney Docket No. 2664/A408US1	: : : : : :	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 Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 10, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. 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 stage 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;
(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;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as 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) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

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 Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

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Alexandria, VA 22313-1450
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ARNOLD M. DE GUZMAN
DE GUZMAN & ASSOCIATES, PC
5276 HOLLISTER AVENUE, SUITE 160
SANTA BARBARA CA 93111

MAILED
JAN 12 2011
OFFICE OF PETITIONS

In re Application of
Michael Gregory Hoglund
Application Number: 12/459203
Filing or 371(c) Date: 06/26/2009
Attorney Docket Number: 10030.000200

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed on November 8, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on June 25, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

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

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

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of April 21, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

This application is being referred to Technology Center Art Unit 2129 for examination in due course.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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

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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
12/459,203	06/26/2009	Michael Gregory Hoglund	10030.000200

CONFIRMATION NO. 3788

46081
ARNOLD M. DE GUZMAN
DE GUZMAN & ASSOCIATES, PC
5276 HOLLISTER AVENUE, SUITE 160
SANTA BARBARA, CA 93111

NONPUBLICATION RESCISSION LETTER

OC000000045388853

Date Mailed: 01/11/2011

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 04/21/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

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

/diwood/

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

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OFFICE OF PETITIONS

HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In re Application of	:	
Mikko Veli Aimo SUVANTO et al.	:	
Application No. 12/459,233	:	DECISION ON PETITION
Filed: June 29, 2009	:	
Attorney Docket No. 800.0391.U1(US)	:	

This is a decision on the petition, filed March 19, 2010 and supplemental petition filed April 05, 2010 which are 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 application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed July 17, 2009. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five (5) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on February 18, 2010.

Petitioner asserts that the Office action dated July 17, 2009 was not received. In addition, petitioner requests a refund of the extension of time's fee of $2,350.00 stating that the declaration filed on January 29, 2010 was not deemed as a reply to the Office action of July 17, 2009.

However, the Office records indicate that attorney Harry Smith (registration no. 32,493) filed a response to the Notice to File Missing Parts Application on January 29, 2010 via certificate of mailing on January 25, 2010. In addition, the response gave the Office authorization to charge any additional extension of time fees required. Therefore, the $2,350.00 extension of time fee will not be refunded.

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 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 fails to satisfy all of the above-stated requirements.

Accordingly, absent the required evidence to establish nonreceipt of the Office action of July 17, 2009, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1,620.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a

statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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

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

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

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HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
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APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Mikko Veli Aimo SUVANTO et al.	:	
Application No. 12/459,233	:	DECISION ON PETITION
Filed: June 29, 2009	:	
Attorney Docket No. 800.0391.U1(US)	:	

This is a decision on the renewed petition, filed October 05, 2010, which are 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 became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed July 17, 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 application became abandoned on February 18, 2010.

Petitioner asserts that the Office action dated July 17, 2009 was not received. In addition, petitioner requests a refund of the extension of time's fee of $2,350.00 stating that the declaration filed on January 29, 2010 was not deemed as a reply to the Office action of July 17, 2009.

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.

The five (5) month extension of time fee of $2,350 charged to the petitioner's deposit account has been refunded. The replacement drawings received with the supplemental petition on April 05, 2010 will be accepted in response to the notice of July 17, 2009.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to Technology Center AU 2614 for appropriate action in the normal course of business on the reply received with petition.

Thurman K. Page
Petition Examiner
Office of Petitions

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MAILED
JUL 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Mikko Veli Aimo SUVANTO et al.	:	**CORRECTED**
Application No. 12/459,233	:	DECISION ON PETITION
Filed: June 29, 2009	:	
Attorney Docket No. 800.0391.U1(US)	:	

This is a decision on the renewed petition, filed October 05, 2010, which are 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 became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed July 17, 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 application became abandoned on February 18, 2010.

Petitioner asserts that the Office action dated July 17, 2009 was not received. In addition, petitioner requests a refund of the extension of time's fee of $2,350.00 stating that the declaration filed on January 29, 2010 was not deemed as a reply to the Office action of July 17, 2009.

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.

The five (5) month extension of time fee of $2,350 charged to the petitioner's deposit account has been refunded. The replacement drawings received with the supplemental petition on April 05, 2010 will be accepted in response to the notice of July 17, 2009.

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.

Thurman K. Page
Petition Examiner
Office of Petitions

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SCHWARTZ LAW FIRM, P.C.
SOUTHPARK TOWERS
SUITE 1135
6100 FAIRVIEW ROAD
CHARLOTTE NC 28210

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Patent No. 7881838 :
Issue Date: 02/01/2011 :
Application Number: 12/459240 :
Filing or 371(c) Date: 06/29/2009 :
Attorney Docket Number: 321/29G :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on November 12, 2010.

The Office no longer investigates or rejects original or reissue patents 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) 272-3231.

D Wood
Douglas Wood
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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AXIS INTELLECTUAL CAPITAL PTE LTD.
21 Science Park Road
#03-01 The Aquarius Science Park II
SINGAPORE 11762-8 SG SINGAPORE

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Min Liang Tan	:	
Application No. 12/459,248	:	DECISION ON PETITION
Filed: June 29, 2009	:	
Attorney Docket No. RAZ-P015US	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed July 2, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 3, 2010. The Notice of Abandonment was mailed February 9, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $65 surcharge, (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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P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT A. CRANDALL
6045 NEALS LANDING ROAD
BASCOM, FL 32423

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of
Robert A. CRANDALL
Application No. 12/459,277
Filed: June 30, 2009
Attorney Docket No.

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 February 11, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes the certification of inventor Robert Alfred Crandall, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-3700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 3741 for action on the merits commensurate with this decision.

/Monica A. Graves/
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.
12/459,414	07/01/2009	Neil Francis Hurley	60.1912 US NP	1045

37003 7590 04/29/2011
SCHLUMBERGER-DOLL RESEARCH
ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT
P.O. BOX 425045
CAMBRIDGE, MA 02142

EXAMINER
RODRIGUEZ, PAUL L

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
04/29/2011	PAPER

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

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

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SCHLUMBERGER-DOLL RESEARCH
ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT
P.O. BOX 425045
CAMBRIDGE MA 02142

In re Application of:
HURLEY, Neil et al.
Application No. 12/459,414
Filed: July 1, 2009
For: **METHOD TO BUILD 3D DIGITAL MODELS OF POROUS MEDIA USING TRANSMITTED LASER SCANNING CONFOCAL MIRCOSCOPY AND MULTI-POINT STATISTICS**

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 July 1, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 1-2, 7-11B and 13A-B 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. Paragraph [0046] of the specification contains the required notification described above. However, the figures identified in the petition as being in color are not consistent with the set of drawings filed on July 1, 2009. For instance, Figure 3 is in color, but Figures 9A-9I appear to be black and white drawings.

Accordingly, the petition is **DIMISSED**.

A renewed petition under 37 CFR § 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If applicant fails to file a renewed petition within TWO (2) MONTHS, the drawings will be printed in black and white.

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

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

Valauskas Corder LLC
150 South Wacker Drive
Suite 620
Chicago IL 60606

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of :
Lu et al. :
Application Number: 12/459,418 :
Filing Date: 07/01/2009 :
Attorney Docket Number: 7811/13 :

ON PETITION

This is in response to the PETITION UNDER 37 CFR §1.84 FOR SUBMISSION OF COLOR DRAWINGS, filed in the United States Patent and Trademark Office (USPTO) on July 1, 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).

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 states that the color drawings are necessary as the only practical medium by which to disclose the subject matter to be patented in the above-identified application.

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.

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 file via EFS-Web.

The application is being forwarded to Group Art Unit 3736.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D Wood

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
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MAILED

FEB 27 2012

OFFICE OF PETITIONS

Cozen O'Connor
277 Park Avenue, 20th floor
NEW YORK NY 10172

In re Application of	:	
Zuhl, et al.	:	
Application No. 12/459,429	:	DECISION ON REQUEST
Filed: July 1, 2009	:	UNDER 37 CFR § 5.25
Attorney Docket No. 4452-852\290462	:	

Title: TORSIONAL VIBRATION DAMPER ASSEMBLY FOR A HYDRODYNAMIC COUPLING DEVICE

This is a decision on the renewed petition pursuant to 37 CFR § 5.25, filed April 19, 2010, seeking a retroactive license for foreign filing under 35 U.S.C. § 184.

The renewed petition is **dismissed**.

37 CFR § 5.25 requires the following:

> (a)A petition for retroactive license under 35 U.S.C. 184 shall be presented in accordance with § 5.13 or § 5.14(a), and shall include:
> (1)A listing of each of the foreign countries in which the unlicensed patent application material was filed,
> (2)The dates on which the material was filed in each country,
> (3)A verified statement (oath or declaration) containing:
> (i)An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
> (ii)A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
> (iii)An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
> (4)The required fee (§ 1.17(g) of this chapter).
>
> (b)The explanation in paragraph (a) of this section must include a showing of facts rather than a mere allegation of action through error and without deceptive intent. The showing of facts as to the nature of the error should include statements by those persons having personal knowledge of the acts regarding filing in a foreign country and should be accompanied by copies of any necessary supporting documents such as letters of transmittal or instructions for filing. The acts which are alleged to constitute error without deceptive intent should cover the period leading up to and including each of the proscribed foreign filings.

The petition is dismissed at this time since the requirements of 37 CFR 5.25(b) have not fully met.

In re Application No. 12/459,429

As to 37 CFR 5.25(b), the petition lacks a showing that the proscribed filing was made through error and without deceptive intent. The petition was not accompanied by copies of supporting documents, such as a letter of transmittal or instructions for filing relative to the proscribed filing. With due consideration of the requirements of 37 CFR 5.25(b) as cited above, the renewed petition must be accompanied by a showing of facts as to the nature of the error and should include statements by those persons having personal knowledge of the acts regarding filing in a foreign country. Further, the renewed petition should be accompanied by copies of any necessary supporting documents, such as letters of transmittal or instructions for filing.

Accordingly, the provisions of 37 CFR 5.25 have not been fully met. The petition is dismissed. On the absence of a response within 60 days of the mailing date of this decision, such dismissal will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be obtained under 37 CFR 1.136.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

Any inquiries related to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BERGGREN LAW OFFICES, LLC
7090 43RD STREET NORTH
OAKDALE, MN 55128

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JAN 31 2011

OFFICE OF PETITIONS

In re Application of
DAVID F. SCHUTZ
Application No. 12/459,508
Filed: July 2, 2009
Attorney Docket No 09004

DECISION ON PETITION

This is a decision on the petition, filed July 5, 2010, as a petition to expunge under 37 CFR 1.59. The petition will be considered under 37 CFR 1.181(a) requesting the correction of the date of an amendment.

The petition is **DISMISSED AS MOOT**.

Petitioner request that a paper filed July 5, 2010 be assigned a filing date of May 4, 2010 where the original was filed in the file of application serial no. 11/222,902 instead of the instant application serial no. 12/459,508.

A review of the file papers indicates that on May 4, 2010 petitioner filed an amendment with headers indicating on page one as being for application serial no. 12/459,505. However the second and subsequent pages contained as headers application serial no. 11/222,902. Apparently petitioner realized the error, and on the same day, May 4, 2010, filed a corrected amendment having the correct application serial no. on all pages. Since the Office accepted the supplemental amendment, the response filed July 5, 2010 constitutes a duplicate and therefore unnecessary.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Thurman K. Page at (571) 272-0602.

The application is being forwarded to Technology Center Art Unit 3671 for action on the supplemental amendment filed May 4, 2010, in its regular turn.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 29 2010

OFFICE OF PETITIONS

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

In re Application of	:	
Ruban et al.	:	DECISION ON PETITION
Application No. 12/459,518	:	TO WITHDRAW
Filed: July 2, 2009	:	FROM RECORD
Attorney Docket No. FIGOVSKY-007	:	

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.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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URANIA JUANG
266 E. GISH ROAD
SAN JOSE, CA 95112

MAILED
NOV 18 2010
OFFICE OF PETITIONS

In re Application of	:	
Ruban et al.	:	DECISION ON PETITION
Application No. 12/459,518	:	TO WITHDRAW
Filed: July 2, 2009	:	FROM RECORD
Attorney Docket No. FIGOVSKY-007	:	

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

The request is **NOT APPROVED**.

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

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

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

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

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

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/459,592	07/06/2009	William Dwight Gramling		1953

EXAMINER

7590 09/08/2011
William Dwight Gramling
1960 Eldon Road
Montoursville, PA 17754

ART UNIT	PAPER NUMBER
3644	

MAIL DATE	DELIVERY MODE
09/08/2011	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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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James Vannucci
5212 Forest View Drive
Mc Donald PA 15057

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of	:	
VANNUCCI et al.	:	DECISION ON PETITION
Application No. 12/459,596	:	TO MAKE SPECIAL
Filed: July 6, 2009	:	37 CFR 1.102
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.102 filed January 14, 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).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

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

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to 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

1 Fm

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.

OPAP IAP11 DEC 01 2010 PATENT & TRADEMARK OFFICE

Solar Smelter Turntable Nix. pdf

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: Not Applicable	Application Number (if known): 12/459,719	Filing date: 07/07/2009
First Named Inventor: Martin E. Nix		
Title: Solar Half Parabolic Shell Smelter With a HelioStat on a Turntable. (unpublished)		

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: Not Applicable

Signature Martin E. Nix	Date NOV 19,2010
Name (Print/Typed) Martin E Nix	Registration Number Inventor

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

☐ *Total of 1 forms are submitted.

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

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

Martin Nix
PO Box 95173
Seattle, Wa 98145-2173
206-931-0605

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.
12/459,719	07/07/2009	Martin E. Nix		4223

7590 12/21/2010

Martin E. Nix
PO Box 95173
Seattle, WA 98145-2173

EXAMINER

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
12/21/2010	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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Martin E. Nix
PO Box 95173
Seattle WA 98145-2173

In re Application of	:	
NIX, MARTIN E.	:	DECISION ON PETITION
Application No. 12/459,719	:	TO MAKE SPECIAL UNDER
Filed: July 7, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. n/a	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 1, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks items #4 and # 8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed system
With a vertical reflective parabolic half shell will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. Moreover, there are 3 sets of claims filed on July 7, 2009. One set contains 2 claims. The other two sets contain one claim each. The subject matter of each of the 3 sets is also different. Please clarify.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee $300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

This application will be forwarded to the Technology Center Art Unit 3749 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Martin E. Nix
PO Box 95173
Seattle, WA 98145-2173

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of Nix :
Application No. 12/459,719 :
Filing Date: July 7, 2009 :
Pub. No.: US 2011/0005515 A1 :
Pub. Date: January 13, 2011 :
Title: Solar Half Parabolic Shell Smelter :
With a Heliostat on a Turntable :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed January 31, 2011.

The request is **granted**.

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

Telephone inquiries regarding this communication may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STEVEN W. LUCAS
4205 VERONA DRIVE
WILMINGTON DE 19808

MAILED
AUG 12 2010
OFFICE OF PETITIONS

In re Application of
David C. Emanuel et al.
Application No. 12/459,728
Filed: July 7, 2009
Attorney Docket No.: SWL-0900707

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a)[1], filed May 14, 2010, to revive the above identified application.

The petition is **DISMISSED**.

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

This application became abandoned September 25, 2009 for failure to file a timely reply to the Notice to File Corrected Application Papers mailed July 24, 2009. Accordingly, a Notice of Abandonment was mailed March 30, 2010.

The petition however, lacks the required petition fee in accordance with 37 CFR 1.137(a)(2) and 37 CFR 1.17(l).

Pursuant to 37 CFR 1.137(a) however, the instant petition lacks items (2) of the regulation.

Effective October 2, 2008 the petition fee was set at $270.00 each, not $255 as was submitted with the petition. Therefore, and since no authorizations for debiting a deposit account for any deficiencies have been granted, the petition fee has not been paid. The fees due are the fees set at the time the application file is revived.

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[1] A 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 Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

In view thereof, additional fees in the amount of $15.00 are due before a petition on the merits can be addressed and granted. The application will therefore remain in an abandoned status until such time as the balance of the petition fee has been paid.

Petitioner asserts unavoidable delay in filing a response because of non-receipt of the Notice to File Corrected Application Papers mailed July 24, 2009 but while the merits of the petition under the unavoidable standard can not be addressed until the petition fee is paid in full, we will advise that the petition filed May 10, 2010 also fails to establish unavoidable delay within the meaning of 37 CFR 1.137(a).

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.[2]

Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

Petitioner has not presented any evidence to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). The statements made by Steven W. Lucas, the Attorney of Record at the time the Notices were mailed, without any additional evidence to corroborate non-receipt, are not enough to prove non-receipt. As such, petitioner has not proven non-receipt.

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

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

If petitioner does not think that he can prevail under the unintentional standard of review, petitioner may wish to consider filing a petition under 37 CFR 1.137(b),[4] which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned 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). As of the date of this decision, the petition fee pursuant to 37 CFR 1.137(b) and 37 CFR 1.17(m) is set at $810.00 for a small entity and $1,620.00 for a large entity.

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.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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STEVEN W. LUCAS
4205 VERONA DRIVE
WILMINGTON DE 19808

MAILED
DEC 30 2010
OFFICE OF PETITIONS

In re Application of
David C. Emanuel et al.
Application No. 12/459,728
Filed: July 7, 2009
Attorney Docket No.: SWL-0900707

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),[1] filed December 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned September 25, 2009 for failure to file a timely reply to the Notice to File Corrected Application Papers mailed July 24, 2009. Accordingly, a Notice of Abandonment was mailed March 30, 2010.

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

A review of the record reveals that a petition was filed under 37 CFR 1.137(a) on May 14, 2010 and was dismissed in a decision mailed August 12, 2010 as the petition

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

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

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

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

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

lacked the required petition fee in accordance with 37 CFR 1.137(a)(2) and 37 CFR 1.17(l). As the petition was treated and in view of the authorization included with the instant petition, the deficiency in the amount of $15 is being charged to deposit account no. 50-0436.

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

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/459,734	07/07/2009	Peter Paul Neilley	WSI-012-6	9743

7590 06/16/2011
Carlineo, Spicer & Kee, LLC
2003 S. Easton Road, Suite 208
Doylestown, PA 18901

EXAMINER
RAYMOND, EDWARD

ART UNIT	PAPER NUMBER
2857	

MAIL DATE	DELIVERY MODE
06/16/2011	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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES 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 16, 2011

Carlineo, Spicer & Kee, LLC
2003 S. Easton Road, Suite 208
Doylestown PA 18901

In re Application of	:	
Peter Paul Neilley et al.	:	**DECISION ON PETITION**
Application No. 12459734	:	
Filed: 7/7/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. WSI-012-6	:	***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) July 7, 2009.

The petition is **GRANTED**.

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

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

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

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

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KRISTOFER E. ELBING
187 PELHAM ISLAND ROAD
WAYLAND, MA 01778

MAILED
JAN 13 2011
OFFICE OF PETITIONS

In re Application of
John Frank Yeomans
Application No. 12/459,742
Filed: July 7, 2009
Attorney Docket No. E0003-002001

DECISION ON PETITION

This is a decision on the renewed petition filed August 3, 2010, requesting that the above-identified application be accorded a filing date of July 6, 2009.

37 CFR 1.10(c) sets forth procedures for filing a petition to the Director for a filing date as of the date of deposit with the USPS, where there is a discrepancy between the filing date initially accorded by the Office and the "date in" entered by the USPS or other official USPS notation.

To be grantable, a petition must:

(1) be filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing; and

(3) include a true copy of the "Express Mail" mailing label showing the "date in" and of any other official notation by the USPS.

This petition lacks item (3) above.

The decision mailed on June 21, 2010, was dismissed because the Express Mail label submitted as evidence with the petition filed on October 5, 2009, was different from the Express Mail label number listed on the original transmittal form which accompanied the filing of the above-identified application purportedly on July 6, 2009.

In response, petitioner asserts that the "application was prepared and mailed with a transmittal letter on July 6, 2009 using the Express Mailing procedure referenced in 37 CFR 1.10(a). The alphanumeric sequence EQ 842735781 US was listed on the express mail label that was used to mail the application (Exhibit A). But the alphanumeric sequence EU842735781US is listed on the application transmittal letter as it is shown in the PAIR record (Exhibit B). The number is the same,

the two letters that are located to the right of the number are the same, but there is a one-letter difference in the pair of letters located to the left of the number."

A review of the official file record for the above application discloses that while petitioner argues that the Express Mail label submitted on July 6, 2009, contains a one letter difference from the application transmittal letter, an independent search of the United States Patent and Trademark Office (USPTO) records show otherwise. The USPTO records are the official file record for the above application and Office records reveal that the filing of the above application was accompanied by Express Mail label number EH275419352US, which is completely different from the evidence submitted by petitioner on October 5, 2009, and the annotated Express Mail number placed on the original transmittal letter filed July 6, 2009.

Petitioner's arguments have been considered, but the result is the same, the petition is again **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Patent Application Processing with the presently accorded filing date of July 7, 2009.

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

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

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

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

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

Andrea Smith
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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KRISTOFER E. ELBING
187 PELHAM ISLAND ROAD
WAYLAND, MA 01778

MAILED

SEP 27 2011

OFFICE OF PETITIONS

In re Application of
John Frank Yeomans
Application No. 12/459,742
Filed: July 7, 2009
Attorney Docket No. E0003-002001

DECISION ON PETITION

This is a decision on the renewed petition filed March 18, 2011, requesting that the above-identified application be accorded a filing date of July 6, 2009. The delay in responding is sincerely regretted.

Petitioner requests the application be accorded a filing date of July 6, 2009, on the basis that the application was purportedly mailed using Express Mail service on July 6, 2009. A copy of Express Mail mailing label No. EQ842735781US, showing a date in of July 6, 2009, accompanied the original petition.

Paragraph (a) of 37 CFR 1.10 states that:

> (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
>
> (2) The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a

filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by ""Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The present petition does not meet the requirement of 37 CFR 1.10(d)(2). Specifically, upon further review of the record, the Office discovered that Express Mail mailing label No. EQ842735781US does not appear on the correspondence as originally filed. Rather, a different Express Mail mailing label number, EU842735781US, was placed on the Utility Patent Application Transmittal accompanying the application papers.

Section 513(III) of the Manual for Patent Examining Procedure states, in pertinent part,

> **[I]f the number of the ["Express Mail"] mailing label did not appear on the correspondence as originally filed, relief will not be granted on petition under 37 CFR 1.10(c), (d), (e), (g) or (h), even if the party who filed the correspondence satisfies the other requirements of 37 CFR 1.10(c), 1.10(d), 1.10(e), 1.10(g), or 1.10(h).** To be effective, the number must be placed on each separate paper and each fee transmittal either directly on the document or by a separate paper firmly and securely attached thereto. In situations wherein the correspondence includes several papers directed to the same application (for example, the specification, drawings, and declaration for a new application), the correspondence may be submitted with a cover or transmittal letter which should itemize the papers. It is not necessary that the number be placed on each page of a particular paper or fee transmittal. Merely placing the number in one prominent location on each separate paper or fee transmittal (or cover sheet or transmittal letter which should itemize the separate papers and fees) will be sufficient.

Since the filing of correspondence under 37 CFR 1.10 without the number of the "Express Mail" mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. **A party's inadvertent failure to comply with the requirements of a rule is not deemed to be an extraordinary situation that would warrant waiver of a rule under 37 CFR 1.183, 2.146(a)(5) or 2.148, nor is such an inadvertent omission considered "unavoidable," within the meaning of 15 U.S.C. 1062(b), 35 U.S.C. 133, 37 CFR 1.137(a) or 37 CFR 2.66(a)**. *See Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (Commissioner did not abuse his discretion in refusing to waive requirements of 37 CFR 1.10(c) in order to grant filing date to patent application, where applicant failed to produce "Express Mail" customer receipt or any other evidence that application was actually deposited with USPS as "Express Mail."), *aff 'd without opinion,* 95 F.3d 1166 (Fed. Cir. 1996); *Nitto Chemical Industry. Co., Ltd. v. Comer,* 39 USPQ2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183.); *Vincent v. Mossinghoff,* 230 USPQ 621 (D.D.C. 1985) (misunderstanding of 37 CFR 1.8 not unavoidable delay in responding to Office Action); *Gustafson v. Strange, 227 USPQ 174 (Comm'r Pat. 1985)* (counsel's unawareness of 37 CFR 1.8 not extraordinary situation warranting waiver of a rule); *In re Chicago Historical Antique Automobile Museum, Inc.,* 197 USPQ 289 (Comm'r Pat. 1978) (since certificate of mailing procedure under 37 CFR 1.8 was available to petitioner, lateness due to mail delay not deemed to be extraordinary situation). (Emphasis added).

With respect to petitioners arguments, petitioner first argues that a copy of the post office register receipt for the Express Mail service, a copy of the credit cart statement showing payment for the Express Mail service, an employee declaration and timesheet, and filing receipts for four other applications listed on the same post office receipt serve as evidence that the instant application should receive the requested filing date. However, the policy of the USPTO is very clear and unambiguous, if the number of the "Express Mail" mailing label did not appear on the correspondence as originally filed, relief will not be granted. See MPEP 513(III), *supra*. The transmittal letter accompanying this application includes an "Express Mail" label number EU842735781, this number was placed on the transmittal letter by petitioner, not the USPTO, accordingly any error which occurred in providing an "Express Mail" label number must be borne by petitioner. As set forth in MPEP 513(III), since the filing of correspondence under 37 CFR 1.10 without the number of the "Express Mail" mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. Petitioner's evidence of credit card records, employee recollections, and the filing date received by four other applications are not germane to the issue at hand which is whether or not the documents filed in the instant application have the proper "Express Mail" label number affixed thereto. Petitioner further argues that the rule only requires that the numbers, and not the letters and numbers, of the "Express Mail" label number are required

by the rule. However, as defined by the USPS on their "Track & Confirm" web page, the number includes the letters. Specifically, the page states: "[t]o check on the deliver status of your mailing, enter you label or receipt number in the space provided. Please be sure to enter all letters and numbers exactly as they appear on you label or receipt." Moreover, petitioner clearly believed that the rule required both the letters and numbers as evidenced by the inclusion of both on the transmittal letter filed with the application. Finally, petitioners argument that this be treated as a minor error, as in the identification of an application, is not well taken as the situation here is not analogous to that situation as the Office can corroborate the serial number with the application title, filing date, inventorship, and the attorney docket number.

Moreover, in August 1982, Congress passed 35 U.S.C. §21(a) which expressly delegated the USPTO authority to promulgate binding regulations to implement the provisions of the statute for filing dates. *See* H.R. Rep., 1982 U.S.C.C.A.N. 765, 775. On October 27, 1982, the USPTO proposed regulations which construe the statutory language to require that the number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence. *See Revision of Patent Procedure*, 47 Fed. Reg. 47744, 47744 (Oct. 27, 1982). After the notice-and-comment period, the USPTO formally promulgated the regulations in January 1983. *See Revision of Patent Procedure*, 48 Fed. Reg. 2696, 2696 (Jan. 20, 1983). The USPTO has clearly construed §21(a) to require the number of the "Express Mail" mailing label be placed on the correspondence. No Executive Branch agency may act in derogation of a federal statute. *See A.F. Stoddard & Co. v. Dann*, 564 F.2d 556 [195 USPQ 97] (D.C. Cir. 1977); *Howard Florey Institute v. Dudas*, 87 USPQ2d 1913 (E.D. Va. 2008).

As petitioners failed to include the correct Express Mail mailing label number on the original correspondence, relief cannot be granted on petition under 37 CFR 1.10 or 1.183. Accordingly, the renewed petition under 37 CFR 1.10 to accord the above-identified application a filing date of July 6, 2009, is **DISMISSED**.

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision.

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

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

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

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

Correspondence may also be submitted electronically via EFS-Web.

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

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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BIB DATA SHEET

CONFIRMATION NO. 7602

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/459,745	07/07/2009 **RULE**	370	2462	P30504

APPLICANTS
Susan Hartman, Hillsboro, OR;

**** CONTINUING DATA ****************************
This appln claims benefit of 61/134,188 07/07/2008

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****
07/21/2009

Foreign Priority claimed	☐ Yes ☑ No	☐ Met after Allowance	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	☐ Yes ☑ No		OR	4	17	3
Verified and Acknowledged	/HENRY BARON/ Examiner's Signature	Initials				

ADDRESS

INTEL CORPORATION
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402
UNITED STATES

TITLE

Synchronous messaging for mobile station

FILING FEE RECEIVED		
1220	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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KENNETH J. LUKACHER
SOUTH WINTON COURT
SUITE 301
3136 WINTON ROAD SOUTH
ROCHESTER NY 14143

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Bednarz et al.	:	
Application No. 12/459,800	:	DECISION ON PETITION
Filed: July 8, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. ULB-028	:	

This is a decision on the petition, filed August 18, 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 **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. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on August 18, 2011. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application. (PTO/SB/64a enclosed)

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: 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
ATTN: Office of Petitions

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/64a

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENNETH J. LUKACHER
SOUTH WINTON COURT
SUITE 301
3136 WINTON ROAD SOUTH
ROCHESTER NY 14143

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Bednarz et al.	:	
Application No. 12/459,800	:	DECISION GRANTING PETITION
Filed: July 8, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. ULB-028	:	

This is a decision on the renewed petition, filed September 7, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 7, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

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

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

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

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

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

This application is being forwarded to Technology Center Art Unit 3723 for examination in due course.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/459,800	07/08/2009	Zachary Bednarz	ULB-028

CONFIRMATION NO. 3815

NONPUBLICATION RESCISSION LETTER

Kenneth J. LuKacher
South Winton Court
Suite 301
3136 Winton Road South
Rochester, NY 14143

OC000000049856629

Date Mailed: 09/15/2011

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 12/22/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

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

/jolszewski/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of :
Mohamed, et al. :
Application No. 12/459,806 : DECISION ON PETITION
Filing Date: July 8, 2009 :

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 28, 2010.

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

The application was held abandoned for failure to file a timely reply to a decision on petition mailed December 22, 2009. This decision set an extendable period for reply of two (2) months. The Office mailed a Notice of Abandonment on July 23, 2010.

A review of the application file reveals that Applicants timely filed a reply (Request for Reconsideration of Petition under 37 CFR 1.47(a)) to the December 22, 2009 decision on March 18, 2010, made timely by obtaining a one month extension of time. In view thereof, it is obvious that the Notice of Abandonment was mailed in error.

The application is being kept in the Office of Petitions for consideration of the March 18, 2010

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILLIAMS MULLEN
222 CENTRAL PARK AVENUE
SUITE 1700
VIRGINIA BEACH VA 23462

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re Application of	:	
Mohamed, et al.	:	DECISION NOTING
Application No. 12/459,806	:	JOINDER OF INVENTOR
Filing Date: July 8, 2009	:	AND PETITION UNDER
Attorney Docket No. 672168.0049	:	37 CFR 1.47(a) MOOT

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 18, 2010.

The petition under 37 CFR 1.47(a) is **DISMISSED** as moot.

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

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAMES L. JACKSON
JAMES L. JACKSON, P.C.
10723 SUGAR HILL DR.
HOUSTON TX 77042

MAILED
DEC 01 2010
OFFICE OF PETITIONS

In re Application of	:	
PARTRIDGE, Charles C.	:	
Application No. 12/459,814	:	DECISION ON PETITION
Filed: July 08, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **PAR001**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 08, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement by Charles C. Partridge attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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 3753 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Hu Lung-tan
25755 48th Avenue
Aldergrove V4W1J-6 CA CANADA

MAILED
MAY 03 2011
OFFICE OF PETITIONS

In re Application of Hu, Lung-Tan Application No. 12/459,849 Filed: July 9, 2009	: : : :	DECISION DISMISSING PETITION UNDER 37 CFR 1.78(a)(3)

This is a decision on the amendment and priority correction filed December 14, 2009, which is being treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed nonprovisional Application No. 11/284,228.

The petition is **DISMISSED**.

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

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t), currently $1,410.00; and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition is not accompanied by any of elements (1)-(3).

In regard to element (1), petitioner should note that 37 CFR 1.78(a)(2)(i) states in pertinent part:

> ...any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed **copending** nonprovisional applications or international applications designating the United States of

> America must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. (emphasis added)

Here, present application no. 12/459,849 was filed July 9, 2009. Referenced application number 11/284,228 was issued as U.S. Patent No. 7,143,725 on December 5, 2006. Since 12/459,849 was not filed before 11/284,228 was issued as a patent, they are not copending and are not eligible for the desired claim of priority. Petitioner should check the application and patent numbers provided to ensure that the correct numbers were given.

In regard to element (2), since $130.00 was already provided, petitioner only needs to provide $1,280.00 in the event that a renewed petition is filed.

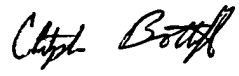
Further correspondence with respect to this matter should be addressed as follows:

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-6692.



Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARRY BIALOR
1671 E. 17TH ST - APT - 2A
BROOKLYN NY 11229

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of	:	
BIALOR, Harry	:	
Application No. 12/459,851	:	DECISION ON PETITION
Filed: September 02, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 000	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the inventor's driver's license as evidence that Harry Bialor 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 2839 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
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.
12/459,882	07/09/2009	Roger L. McBroom	S07-03JR108295	4388

30279 7590 01/03/2011
DANA REWOLDT
GARST SEED COMPANY
2369 330TH STREET
PO BOX 500
SLATER, IA 50244

EXAMINER
KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
01/03/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 0 3 2011

Dana S. Rewoldt, Esq.
Syngenta Seeds
2369 330th St.
Box 500
Slater IA 50244

In re Application of:
McBroom et al.
Serial No.: 12/459,882
Filed: July 9, 2009
Attorney Docket No.: **S07-03JR108295**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 16, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

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

Therefore, petitioner's petition is GRANTED.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/459,899	07/09/2009	Markus Storz	SB 1007US0	8122

7590 10/28/2010

Charles H Jew
236 West Portal Avenue
Suite 533
San Francisco, CA 94127

EXAMINER

ART UNIT	PAPER NUMBER
3771	

MAIL DATE	DELIVERY MODE
10/28/2010	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

JUL 12 2011

OFFICE OF PETITIONS

In re Application of :
Boo-Sung Hwang :
Application No. 12/459,905 :
Filed: July 9, 2009 :
Attorney Docket No. **6342/80675** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 27, 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 August 31, 2009.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
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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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of :
Boo-Sung Hwang :
Application No. 12/459,905 :
Filed: July 9, 2009 :
Attorney Docket No. **6342/80675** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a corrected decision on the request to withdraw as attorney of record under 37 CFR § 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 to 37 CFR 10.40.

The request was signed by Norman H. Zivin on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified application have been withdrawn.

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

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Boo-Sung Hwang at the address indicated below.

There is an outstanding Office action mailed June 3, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Boo-Sung Hwang
402 New Sun-kyung Plaza 146-1 lmae 2 dong
Bun-dang gu
Seong-nam si, Kyung-ki do 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
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/459,905	07/09/2009	Boo-Sung Hwang	6342/80675

CONFIRMATION NO. 3599

POWER OF ATTORNEY NOTICE

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

OC000000048836497

Date Mailed: 07/18/2011

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.

/jlburke/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

JUL 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Boo-Sung Hwang	:	DECISION ON PETITION
Application No. 12/459,907	:	TO WITHDRAW
Filed: July 9, 2009	:	FROM RECORD
Attorney Docket No. **6342/80676**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 27, 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 August 31, 2009.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Boo-Sung Hwang	:	DECISION ON PETITION
Application No. 12/459,907	:	TO WITHDRAW
Filed: July 9, 2009	:	FROM RECORD
Attorney Docket No. **6342/80676**	:	

This is a corrected decision on the request to withdraw as attorney of record under 37 CFR § 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 to 37 CFR 10.40.

The request was signed by Norman H. Zivin on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified application have been withdrawn.

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

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Boo-Sung Hwang 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
Petitions Examiner
Office of Petitions

cc: Boo-Sung Hwang
402 New Sun-kyung Plaza 146-1 lmae 2 dong
Bun-dang gu
Seong-nam si, Kyung-ki do 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
12/459,907	07/09/2009	Boo-Sung Hwang	6342/80676

CONFIRMATION NO. 4878

POWER OF ATTORNEY NOTICE

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

OC000000048836536

Date Mailed: 07/18/2011

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.

/jlburke/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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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	:	
HWANG	:	
Application No. 12/459,913	:	DECISION ON PETITION
Filed: July 9, 2009	:	TO WITHDRAW
Attorney Docket No. 6342/80678	:	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: BOO-SUNG HWANG
402 NEW SUN-KYUNG PLAZA
146-1LMAE 2 DONG, BUN-DANG GU
SEONG-NAM SI KYUNG-KI DO REP. OF KOREA

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/459,913	07/09/2009	Boo-Sung Hwang	6342/80678

CONFIRMATION NO. 3515

POWER OF ATTORNEY NOTICE

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

OC000000048883532

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

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AUG 10 2010

CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

In re application of	:	**DECISION ON REQUEST TO**
Yamaki et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/459,922	:	**PROSECUTION HIGHWAY**
Filed: July 09, 2009	:	**PROGRAM AND PETITION**
For: LOAD TRANSMISSION BODY FOR VEHICLE	:	**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 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of 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 June 17, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 08/10/10

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ALEXANDRIA, VA 22313-1450
www.uspto.gov
DIW Mar-11

STEPHEN J. SCHULTE
28 DALTON STREET
ASHEVILLE NC 28803

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Stephen John Schulte	:	
Application Number: 12/459,948	:	
Filing Date: 07/10/2009	:	ON PETITION
For: DISTINCT CULTIVAR OF HOSTA	:	
PLANT NAMED "FOXFIRE PALM	:	
SUNDAY"" WHICH IS SUITABLE FOR	:	
LANDSCAPE APPLICATIONS AND	:	
CONTAINER GROWING	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on February 7, 2011.

The petition is **DISMISSED**.

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

This application became abandoned on October 9, 2010, for failure to file a timely reply to the non-final Office action mailed on July 8, 2010, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 1, 2011.

A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

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

application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

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

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

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

The petition lacks item (1).

The petition lacks the required reply to the Office action mailed on July 8, 2010.

As petitioner states that the Office action was not received, a copy thereof has been included for petitioner's reference in preparing a reply. A renewed petition, accompanied by a reply to the Office action mailed on July 8, 2010, must be filed within the time period specified above.

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

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

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

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

A reply may also be filed via EFS-Web.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Office action mailed on July 8, 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
DIW Jun-11

STEPHEN J. SCHULTE
28 DALTON STREET
ASHEVILLE NC 28803

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of :
Stephen John Schulte :
Application Number: 12/459,948 : ON PETITION
Filing Date: 07/10/2009 :
For: DISTINCT CULTIVAR OF HOSTA :
PLANT NAMED "FOXFIRE PALM :
SUNDAY"" WHICH IS SUITABLE FOR :
LANDSCAPE APPLICATIONS AND :
CONTAINER GROWING :

This is a decision in response to the renewed petition under 37 CFR 1.137(b) filed on April 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on October 9, 2010, for failure to timely reply to the non-final Office action mailed on July 8, 2010, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 1, 2011. On February 7, 2011, a petition under 37 CFR 1.137(b) was filed. On March 28, 2011, the petition was dismissed.

Receipt of the reply filed on April 22, 2011 is acknowledged.

The application is referred to Technology Center Art Unit 1661 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HERBERT R. RUSCHMANN
2 SURREY PLACE
EAST NORWICH NY 11732

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Michael E. Knox	:	
Application No. 12/459,981	:	DECISION GRANTING PETITION
Filed: July 10, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. H1020-2CIP	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 28, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 7, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2462 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS and Request For Suspension of Action.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/459,983	07/10/2009	Stanley P. Johnson	QUTI138838	7415

26389 7590 03/08/2012
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER
ALLI, IYABO

ART UNIT	PAPER NUMBER
2877	

NOTIFICATION DATE	DELIVERY MODE
03/08/2012	ELECTRONIC

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

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

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

efiling@cojk.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 20120307

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

In re Application of:	:	
Stanley P. JOHNSON	:	PETITION FOR CORRECTION OF
Serial No.: 12/459,983	:	INVENTORSHIP
Filed: July 10, 2009	:	UNDER 37 CFR § 1.48(a)
Attorney Docket No.: QUTI138838	:	

This is a decision on the petition filed March 2, 2012 to correct inventorship under 37 CFR 1.48 (a).

The petition is GRANTED.

In view of the papers filed March, 2, 2012 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed by adding the name:

Phillip D. Bondurant

The application will be forwarded to the Office of Data Management (ODM) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

/Gregory J. Toatley, Jr/
.Supervisory Patent Examiner,
Art Unit 2877

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,010	07/10/2009	Warren M. Leevy	94783	8145

70523 7590 05/24/2011
Carestream Health, Inc.
ATTN: Patent Legal Staff
150 Verona Street
Rochester, NY 14608

EXAMINER
GUPTA, VANI

ART UNIT	PAPER NUMBER
3777	

MAIL DATE	DELIVERY MODE
05/24/2011	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.

Susan L. Parulski
CARESTREAM HEALTH, INC.
150 Verona St.
Rochester, NY 14608

In re Application of: Warren M. Leevy et al. Application No. 12/460,010 Filed: July 10, 2009 For: METHOD AND APPARATUS FOR MULTI-MODAL IMAGING	**DECISION ON PETITION UNDER 37 C.F.R. э 1.84(a)(2) TO ACCEPT COLOR DRAWINGS**

This is a decision on the petition under 37 C.F.R. э 1.84(a)(2), filed July 10, 2009, requesting acceptance of color drawings. The petition is considered pursuant to 37 CFR 1.181, where fee is required.

The petition was filed with the authorization to charge fees associated with this petition and 3 (three) sets of color drawings of present figures. However, there is no record of an actual fee being paid to the office.

The petition requests that the color drawings, although not specifically identified but noted as, figures 9A-11C, 14B, 15B, 16A-16B, 17A-17B, 19B, 20B be accepted in lieu of black and white drawings.

Review of the application and of the claims shows that the color drawings/photographs are not 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. That is, the disclosure does not provide details and/or reasons, either by way of figures or written description, which would convince the Office that *only* color drawings are necessarily the only practical medium by which to disclose the feature(s) "...registering the x-ray anatomical image and the optical, dark-field image, whereby features of the optical image can be observed in relation to features of the anatomical image." It is concluded that the materials provided by the figures in question – x-rays and fluorescence do not need to be in colors to distinguish the interested regions, as black and white figures are sufficient.

Accordingly, due to lack of record of fees paid and for lack of adequate reasoning for colored drawings, the petition is **DENIED**.

The application file is being forwarded to Central files to await examination based upon its filing date.

/Tse Chen/

Supervisory Patent Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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COMPUTER PATENT ANNUITIES
225 REINEKERS LANE
SUITE 400
ALEXANDRIA VA 22314

MAILED
AUG 03 2010
OFFICE OF PETITIONS

In re Application of	:	
Andrew A. BUTLER	:	
Application No. 12/460,020	:	DECISION ON PETITION
Filed: July 10, 2009	:	
Attorney Docket No. 197P/US2	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed July 28, 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 September 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required oath/declaration and fees, sequence listing; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of July 28, 2009 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 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 Michelle R. Eason at 571-272-4231.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MICHAEL R. WESOLOWSKI**
YANKWICH & ASSOCIATES, P.C.
201 BROADWAY
CAMBRIDGE, MA 02139

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROBERTA KOEHI
23747 OAKFIELD ROAD
HIDDEN HILLS CA 91302

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Roberta Beatrice Koehl
Application No. 12/460,024
Filed: July 13, 2009
Title of Invention: GEM TIP

ON PETITION

This is a decision on the petition filed February 10, 2011 under 37 CFR 1.137(b)[1] for revival of the above-identified application.

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

A Notice to File Missing Parts was mailed July 30, 2009 and set a two month period for reply. A response was filed August 4, 2009 but by Notice mailed August 17, 2009, applicants were advised that the response was incomplete. A second response was filed October 29, 2009 and a second Notice was of Incomplete Reply was mailed November 17, 2009. While a response was filed January 22, 2010, and is of record, the response was filed without an extension of time and thus the application became abandoned November 2, 2009 for failure to file a timely reply. Accordingly, a Notice of Abandonment was mailed March 30, 2010.

Also, the address shown on the petition differs from the address of record. The mere inclusion, in a paper filed in the application for another purpose, of an address differing from the previously provided correspondence address, without mentioning the fact that an address change was made, does not constitute a proper change of address

---

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

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

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

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

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

notification." See MPEP sections 601.03 and 711.02(c). A courtesy copy of this decision is being mailed to the address found on the petition but in the future, dual correspondences will not be mailed.

The filing of the response to the Notice to File Missing Parts mailed July 30, 2009 is acknowledged. All other requirements having been met , this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

ROBERTA KOEHL
1875 CENTURY PARK EAST, SUITE 1150
LOS ANGELES, CA 90403

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.
12/460,093	07/14/2009	Aaron R. Coleman	038495/374492	4901

826 7590 05/10/2011
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
PIHULIC, DANIEL T

ART UNIT	PAPER NUMBER
3662	

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.

UNITED STATES 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 10 2011

In re Application of	:	DECISION ON PETITION
AARON A COLEMAN et al.	:	
SERIAL NO.: 12/460,093	:	
FILED: July 14, 2009	:	
FOR: LINEAR AND CIRCULAR DOWNSCAN IMAGING SONAR		

This is a decision on the request filed July 14, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARY CHRISTINA MCGILL
127 W. MAPLE ST
PO BOX 75
ARCADIA MO 63621

MAILED
SEP 24 2010
OFFICE OF PETITIONS

In re Application of	:	
Mary Christina MCGILL	:	
Application No. 12/460,109	:	DECISION ON PETITION
Filed: July 13, 2009	:	
Attorney Docket No.	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 13, 2009. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 14, 2009.

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,118	07/13/2009	Helmut Edward Fandrich	MG2009US	5839

12031 7590 03/18/2011
Helmut Fandrich
2461 Sunnyside Place
Abbotsford, BC, V2T 4C4
CANADA

EXAMINER
CHIN, PAUL T

ART UNIT	PAPER NUMBER
3652	

MAIL DATE	DELIVERY MODE
03/18/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 1 8 2011

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

Helmut Fandrich
2461 Sunnyside Place
Abbotsford, BC V2T 4C4 CA CANADA

In re application of Fandrich et al. Application No. 12/460,118 Filed: July 13, 2009 For: AERIAL GRAPPLE APPARATUS AND METHOD FOR HANDLING LOOSE MATERIAL	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 8, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO 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 CIPO examiner in the CIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition fail to include:
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s);

Claim 1 in the US application is missing the following recitation from the allowed CIPO application: --said latching mechanism being arranged to selectively engage or disengage the connection between each connecting arm and the respective load arm --.

Claims 5, 13 and 18 – 21 do not have any corresponding claims in the CIPO application.

Claim 23 in the US application is missing the following recitation from the allowed claim 18 of the CIPO application: -- permitting angular movement of the grapple relative to a horizontal plane, whereby the grapple may adapt automatically to the slope of the ground over which it is positioned --.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 03/17/11

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.
12/460,118	07/13/2009	Helmut Edward Fandrich	MG2009US	5839

12031 7590 05/16/2011
Helmut Fandrich
2461 Sunnyside Place
Abbotsford, BC, V2T 4C4
CANADA

EXAMINER
CHIN, PAUL T

ART UNIT	PAPER NUMBER
3652	

MAIL DATE	DELIVERY MODE
05/16/2011	PAPER

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

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

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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MAY 16 2011

Helmut Fandrich
2461 Sunnyside Place
Abbotsford, BC V2T 4C4 CA CANADA

In re application of Fandrich et al. Application No. 12/460,118 Filed: July 13, 2009 For: AERIAL GRAPPLE APPARATUS AND METHOD FOR HANDLING LOOSE MATERIAL	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 08, 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 CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO 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 CIPO 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 CIPO 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 CIPO examiner in the CIPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of renewed petition, filed on April 08, 2011, the request to participate in the PPH 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: 05/13/11

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.
12/460,139	07/14/2009	Brian T. Maguire	038495/369324	9769

826 7590 05/10/2011
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
LOBO, IAN J

ART UNIT	PAPER NUMBER
3662	

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.

UNITED STATES 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 10 2011

In re Application of	:	DECISION ON PETITION
Brian T. Maguire	:	
SERIAL NO.: 12/460,139	:	
FILED: July 14, 2009	:	
FOR: DOWNSCAN IMAGING SONAR		

This is a decision on the request filed July 14, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Boo-Sung Hwang	:	
Application No. 12460,151	:	DECISION ON PETITION
Filed: July 14, 2009	:	TO WITHDRAW
Attorney Docket No. **6342/80677**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 1, 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 Norman H. Zivin on behalf of all attorneys of record who are associated with the above-identified application

All attorneys/agents associated with the above-identified application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Boo-Sung Hwang 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
Petitions Examiner
Office of Petitions

cc: Boo-Sung Hwang
402 New Sun-kyung Plaza
146-1 lmae 2 dong, Bun-dang gu
Seong-nam si, Kyung-ki-do 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,230	07/15/2009	Masanari Yagura	SONYJP 3.0-1944	4287

7590 04/02/2012

SONYJP
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Ave West
Westfield, NJ 07090

EXAMINER
FLANDERS, ANDREW C

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
04/02/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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.
12/460,316	07/16/2009	Chie Watanabe	4041J-001597/US	3031

27572 7590 09/15/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
09/15/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
WATANABE, CHIE., et al.	:	DECISION ON REQUEST TO
Application No. 12/460,316	:	PARTICIPATE IN PATENT
Filed: July16, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. **4041J-001597/US**	:	PROGRAM AND PETITION
For: CENTRIFUGAL TYPE BLOWER	:	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 09, 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 Edward Look, SPE of Art Unit 3745, and 571-272-4820 for Class 219 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AT& T LEGAL DEPARTMENT – MONKA
ATTN: PATENT DOCKETING
ROOM 2A – 207
ONE AT & T WAY
BEDMINSTER NJ 07921

MAILED
SEP 24 2010
OFFICE OF PETITIONS

In re Application of	:	
Guodong ZHANG	:	
Application No. 12/460,331	:	DECISION ON PETITION
Filed: July 17, 2009	:	
Attorney Docket No. 2005-0428CON	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed August 10, 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 October 11, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form a declaration, replacement drawings and the required fee; (2) the petition fee of $1620; and (3) the required statement of unintentional delay.

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

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

This application is being referred to the Office of Data Management for further pre-examination processing.

/dcg/
Diane C. Goodwyn
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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/460,331	07/17/2009	Guodong Zhang	2005-0428Con

CONFIRMATION NO. 4857

POA ACCEPTANCE LETTER

83658
AT & T Legal Department - WS
Attn: Patent Docketing
Room 2A-207
One AT & T Way
Bedminster, NJ 07921

OC000000043629260

Date Mailed: 09/21/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/28/2010.

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

/dcgoodwyn/

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/460,386	Filing date:	07/17/2009
First Named Inventor:	Piao		
Title of the Invention:	BRUSHES WITH RETRACTABLE REMOVABLE HEADS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/004143

The international filing date of the corresponding PCT application(s) is/are: 07/17/2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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 PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/460,386
First Named Inventor:	Piao

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 08/10/2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 08/10/2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claims 1 - 16	Claims 1 - 16	Claims directly correspond subsequent to preliminary amendment filed on April 25, 2011

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

Signature	Date April 25, 2011
Name (Print/Typed) Stephanie N. Chu	Registration Number 62,363

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
CHU, Stephanie N.

Alston & Bird LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000

Petition to Make Special Under PCT-Patent Pros. Hwy
Application No. 12/460,386
Filing Date: 07/17/2009
Support for Item (1.a.) Copy of latest International work product

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing *(day/month/year)* 16 DECEMBER 2010 (16.12.2010)

Applicant's or agent's file reference
57100/389255

IMPORTANT NOTIFICATION

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/004143	**17 JULY 2009 (17.07.2009)**	24 JULY 2008 (24.07.2008)

Applicant

ANISA INTERNATIONAL, INC. et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Atricle 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea
Facsimile No. 82-42-472-7140

Authorized officer
COMMISSIONER
Telephone No. 82-42-481-5208

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Artcle 36 and Rule 70)

Applicant's or agent's file reference 57100/389255	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. **PCT/US2009/004143**	International filing date*(day/month/year)* **17 JULY 2009 (17.07.2009)**	Priority date *(day/month/year)* 24 JULY 2008 (24.07.2008)
International Patent Classification (IPC) or national classification and IPC ***A45D 33/00(2006.01)i, A45D 40/00(2006.01)i, A45D 40/26(2006.01)i***		
Applicant **ANISA INTERNATIONAL, INC. et al**		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of **3** sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ (sent to the applicant and to the International Bureau) a total of **4** sheets, as follows:
      - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:
   - ☒ Box No. I Basis of the report
   - ☐ Box No. II Priority
   - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV Lack of unity of invention
   - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI Certain documents cited
   - ☐ Box No. VII Certain defects in the international application
   - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demamd **25 JUNE 2010 (25.06.2010)**	Date of completion of this report 14 DECEMBER 2010 (14.12.2010)
Name and mailing address of the IPEA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer Choi, Bong Don Telephone No. 82-42-481-8166

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2009/004143

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of:

   ☐ international search (under Rules 12.3(a) and 23.1(b)).
   ☐ publication of the international application (under Rule 12.4(a)).
   ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a)).

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

   ☐ the international application as originally filed/furnished

   ☒ the description:
   pages 1-9 as originally filed/furnished
   pages* _____ received by this Authority on _____
   pages* _____ received by this Authority on _____

   ☒ the claims:
   pages _____ as originally filed/furnished
   pages* _____ as amended (together with any statment) under Article 19
   pages* 10,11,11/1,11/2 received by this Authority on 25 June 2010
   pages* _____ received by this Authority on _____

   ☒ the drawings:
   pages 1/3-3/3 as originally filed/furnished
   pages* _____ received by this Authority on _____
   pages* _____ received by this Authority on _____

   ☐ the sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

   ☐ the description, pages _____
   ☒ the claims, Nos. 2
   ☐ the drawings, sheets _____
   ☐ the sequence listing *(specify)* : _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):

   ☐ the description, pages _____
   ☐ the claims, Nos. _____
   ☐ the drawings, sheets _____
   ☐ the sequence listing *(specify)*: _____

5. ☐ This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule70.2(e)).

6. ☐ This report has been established taking into consideration the arguments and/or comments of the applicant on the written opinion of the International Searching Authority, received by this Authority on _____

7. ☐ Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45*bis*.8(b) and (c)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2009/004143

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1,3-16	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1,3-16	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1,3-16	YES
	Claims	NONE	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: CN 201067174 Y (XIANZHEN, PIAO) 04 June 2008
D2: US 5339483 A1 (BYUN, Y. K.) 23 August 1994
D3: US 2007-0199575 A1 (DEL PONTE, DAVID J.) 30 August 2007
D4: US 2004-0168700 A1 (DORF, PAULA) 02 September 2004

1. Novelty and Inventive Step

Claims 1 and 3-8
D1 is regarded as the closest prior art to the subject matter of claim 1. The subject matter of claim 1 differs from these prior art documents D1-D4 in that the lower end of the ferrule and the upper end of the handle are generally planar. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 3-8 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 9 and 10
The subject matter of claim 9 differs from these prior art documents D1-D4 in that the generally planar end of the core defines a floor of a cavity and the sleeve defines a movable wall of the cavity. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 9 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claim 10 is dependent on claim 9 and therefore meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claim 11
Claim 11 satisfies the criteria set out in PCT Article 33(2)-(3) with respect to novelty and inventive step, because the prior art documents D1-D4 do not disclose or suggest a planar lower end of the ferrule and a upper end of the handle without recesses and protrusions.

Claims 12-16
Claim 12 satisfies the criteria set out in PCT Article 33(2)-(3) with respect to novelty and inventive step, because the prior art documents D1-D4 do not disclose or suggest a cavity soley defined by an interior portion of a moving sleeve.

Claims 13-16 are dependent on claim 12 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

2. Industrial Applicability
Claims 1 and 3-16 are industrially applicable under PCT Article 33(4).

CLAIMS

1. A head-switchable cosmetic applicator, comprising:

a head assembly including a head for application of a cosmetic, a ferrule including a lower end defined at least in part by a first magnetic element;

a handle including an upper end defined at least in part by a second magnetic element; and

a slidable sleeve on one of the ferrule or the handle;

wherein at least one of the first and second magnetic elements is a magnet, and the head assembly is releasably attachable to the handle by magnetic attraction between the first and second magnetic elements when the head assembly and the handle are attached;

wherein the lower end of the ferrule and the upper end of the handle are generally planar; and

wherein when the head assembly and the handle are attached the sleeve is slidable in a lengthways direction of the handle between an extended position in which it at least partly surrounds the head and a retracted position in which the head is exposed for use and in which the second magnetic element and at least a part of the ferrule including the first magnetic element are within the sleeve.

2. (Cancelled)

3. The head-switchable applicator according to claim 1, wherein the sleeve is mounted on the handle, and is partly within an outer body of the handle.

4. The head-switchable applicator according to claim 1, wherein the first and second magnetic elements are both permanent magnets, and are oriented so as to attract one another when the handle and the head assembly are assembled together.

5. The head-switchable applicator according to claim 1, wherein one of the first and second magnetic elements is a permanent magnet, and the other is magnetically soft.

AMENDED SHEET (ART. 34)

6. The head-switchable applicator according to claim 1, further comprising at least one additional head assembly including a ferrule and a first magnetic element, and wherein the additional head assembly is releasably attachable to the handle by magnetic attraction between the first and second magnetic elements when the additional head assembly and the handle are attached.

7. The head-switchable applicator according to claim 1, further comprising a cap dimensioned to fit onto the sleeve over the head when the head assembly and the handle are attached.

8. The head-switchable applicator according to claim 7, wherein the cap is sufficiently long to fit over the head when the sleeve is retracted and the cap is fitted onto the sleeve until the cap engages a stop on the sleeve.

9. (Amended) A handle for a head-switchable applicator, comprising:

a core having a generally planar end at least partly defined by a magnetic element; and

a sleeve slidable with respect to the core when the core is maintained in a fixed position;

wherein the generally planar end of the core defines a floor of a cavity, the floor intersecting a movable wall of the cavity defined by the sleeve at a boundary around a perimeter of the floor; and

wherein the sleeve is slidable between an extended and a retracted position, in which the lengths of the cavity between the open end and the magnetic element are different.

10. (Amended) The handle according to claim 9, further comprising a handle body fixed relative to the core and enclosing the core, the magnetic element, and a part of the sleeve opposite the open end.

AMENDED SHEET (ART. 34)

11. (New) A head-switchable cosmetic applicator, comprising:

a head assembly including a head for application of a cosmetic, a ferrule including a lower end defined at least in part by a first magnetic element;

a handle including an upper end defined at least in part by a second magnetic element; and

a slidable sleeve on one of the ferrule and the handle;

wherein at least one of the first and second magnetic elements is a magnet, and the head assembly is releasably attachable to the handle by magnetic attraction between the first and second magnetic elements when the head assembly and the handle are attached; and

wherein the lower end of the ferrule and the upper end of the handle are substantially free of recesses and protrusions; and

wherein when the head assembly and the handle are attached the sleeve is slidable in a lengthways direction of the handle between an extended position in which it at least partly surrounds the head and a retracted position in which the head is exposed for use and the sleeve at least partly surrounds the ferrule.

12. (New) A handle for a head-switchable applicator, comprising:

a cavity soley defined by an interior portion of a slidable sleeve and a base opposite an open end of the handle defined by an open end of the slidable sleeve, wherein a magnetic element at least partly defines the base;

wherein the slidable sleeve is capable of moving between a fully retracted position and a fully extended position, the vertical distance between the magnetic element and the open end of the handle being greater in the fully extended position than in the fully retracted position; and

wherein the vertical distance between the magnetic element and the open end of the handle is equal to the length of the interior portion of the slidable sleeve defining the cavity. regardless of the position of the slidable sleeve.

13. (New) The handle according to claim 12, further comprising a core, wherein the base defining the cavity is the top-most surface of the core.

AMENDED SHEET (ART. 34)

14. (New) The handle according to claim 12, further comprising an outer body surrounding an exterior portion of the slidable sleeve.

15. (New) The handle according to claim 14, wherein in the fully retracted position a first protrusion on the slidable sleeve interacts with the outer body of the handle to limit additional retraction of the slidable sleeve relative to the core.

16. (New) The handle according to claim 14, wherein in the fully extended position a lip on the slidable sleeve interacts with a second protrusion on the core to limit additional extension of the slidable sleeve relative to the core.

Petition to Make Special Under PCT-Patent Pros Hwy
Application No.: 12/460,386
Filing Date: 07/17/2009
Inventor: Piao
Title: Brushes with Retractable Removable Heads
Support for Item (1.b.): A Copy of All Claims from PCT Application

1. A head-switchable cosmetic applicator, comprising:

a head assembly including a head for application of a cosmetic, a ferrule including a lower end defined at least in part by a first magnetic element;

a handle including an upper end defined at least in part by a second magnetic element; and

a slidable sleeve on one of the ferrule or the handle;

wherein at least one of the first and second magnetic elements is a magnet, and the head assembly is releasably attachable to the handle by magnetic attraction between the first and second magnetic elements when the head assembly and the handle are attached;

wherein the lower end of the ferrule and the upper end of the handle are generally planar; and

wherein when the head assembly and the handle are attached the sleeve is slidable in a lengthways direction of the handle between an extended position in which it at least partly surrounds the head and a retracted position in which the head is exposed for use and in which the second magnetic element and at least a part of the ferrule including the first magnetic element are within the sleeve.

2. (Cancelled)

3. The head-switchable applicator according to claim 1, wherein the sleeve is mounted on the handle, and is partly within an outer body of the handle.

4. The head-switchable applicator according to claim 1, wherein the first and second magnetic elements are both permanent magnets, and are oriented so as to attract one another when the handle and the head assembly are assembled together.

5. The head-switchable applicator according to claim 1, wherein one of the first and second magnetic elements is a permanent magnet, and the other is magnetically soft.

6. The head-switchable applicator according to claim 1, further comprising at least one additional head assembly including a ferrule and a first magnetic element, and wherein the additional head assembly is releasably attachable to the handle by magnetic attraction between the first and second magnetic elements when the additional head assembly and the handle are attached.

7. The head-switchable applicator according to claim 1, further comprising a cap dimensioned to fit onto the sleeve over the head when the head assembly and the handle are attached.

8. The head-switchable applicator according to claim 7, wherein the cap is sufficiently long to fit over the head when the sleeve is retracted and the cap is fitted onto the sleeve until the cap engages a stop on the sleeve.

9. A handle for a head-switchable applicator, comprising:

a core having a generally planar end at least partly defined by a magnetic element; and

a sleeve slidable with respect to the core when the core is maintained in a fixed position;

wherein the generally planar end of the core defines a floor of a cavity, the floor intersecting a movable wall of the cavity defined by the sleeve at a boundary around a perimeter of the floor; and

wherein the sleeve is slidable between an extended and a retracted position, in which the lengths of the cavity between the open end and the magnetic element are different.

10. The handle according to claim 9, further comprising a handle body fixed relative to the core and enclosing the core, the magnetic element, and a part of the sleeve opposite the open end.

11. A head-switchable cosmetic applicator, comprising:

a head assembly including a head for application of a cosmetic, a ferrule including a lower end defined at least in part by a first magnetic element;

a handle including an upper end defined at least in part by a second magnetic element; and

a slidable sleeve on one of the ferrule and the handle;

wherein at least one of the first and second magnetic elements is a magnet, and the head assembly is releasably attachable to the handle by magnetic attraction between the first and second magnetic elements when the head assembly and the handle are attached; and

wherein the lower end of the ferrule and the upper end of the handle are substantially free of recesses and protrusions; and

wherein when the head assembly and the handle are attached the sleeve is slidable in a lengthways direction of the handle between an extended position in which it at least partly surrounds the head and a retracted position in which the head is exposed for use and the sleeve at least partly surrounds the ferrule.

12. A handle for a head-switchable applicator, comprising:

a cavity soley defined by an interior portion of a slidable sleeve and a base opposite an open end of the handle defined by an open end of the slidable sleeve, wherein a magnetic element at least partly defines the base;

wherein the slidable sleeve is capable of moving between a fully retracted position and a fully extended position, the vertical distance between the magnetic element and the open end of the handle being greater in the fully extended position than in the fully retracted position; and

wherein the vertical distance between the magnetic element and the open end of the handle is equal to the length of the interior portion of the slidable sleeve defining the cavity. regardless of the position of the slidable sleeve.

13. The handle according to claim 12, further comprising a core, wherein the base defining the cavity is the top-most surface of the core.

14. The handle according to claim 12, further comprising an outer body surrounding an exterior portion of the slidable sleeve.

15. The handle according to claim 14, wherein in the fully retracted position a first protrusion on the slidable sleeve interacts with the outer body of the handle to limit additional retraction of the slidable sleeve relative to the core.

16. The handle according to claim 14, wherein in the fully extended position a lip on the slidable sleeve interacts with a second protrusion on the core to limit additional extension of the slidable sleeve relative to the core.

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.
12/460,386	07/17/2009	Xianzhen Piao	057100/389251	6457

826 7590 04/27/2011
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
SPISICH, MARK

ART UNIT	PAPER NUMBER
3727	

MAIL DATE	DELIVERY MODE
04/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of	:
PIAO, XIANZHEN et al	: DECISION ON REQUEST TO
Application No. 12/460,386	: PARTICIPATE IN PATENT
Filed: July 17, 2009	: PCT/PROSECUTION HIGHWAY
Attorney Docket No. 057100/389251	: PROGRAM AND PETITION
Title: BRUSHES WITH RETRACTABLE	: TO MAKE SPECIAL UNDER
REMOVABLE HEADS	: 37 CFR 1.102(a)

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

The request and petition are granted.

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

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

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

Other inquiries concerning the examination or status of the application should be directed to Monica Carter, the SPE of Art Unit 3727 at 571-272-4475 for Class 15/184 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOYCE E. LAUER
75 MOORE ROAD
WAYLAND MA 01778

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of
Daum et al.
Application No. 12/460,413
Filed: July 17, 2009
Attorney Docket No. PFX-09-02

DECISION ON PETITION
TO WITHDRAW FROM RECORD

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

The request is **APPROVED**.

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

The request was signed by Joyce E. Lauer on behalf of all attorneys of record who are associated with Customer Number 58041.

All attorneys/agents associated with the Customer Number 58041 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

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

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

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WOLFGANG DAUM
20 WHILEY ROAD
GROTON MA 01450

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED
MAR 15 2012
OFFICE OF PETITIONS

LYNN ROBERT JONES
8572 KEMPSTER ST.
FONTANA CA 92335

In re Application of	:	
JONES	:	
Application No. 12/460,471	:	ON PETITION
Filed: July 20, 2009	:	
Attorney Docket No. J-TIP ATTACHMENT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 27, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before November 8, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 1, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 9, 2011. A Notice of Abandonment was mailed November 21, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

With respect to item (1): The petition filed January 27, 2012, was accompanied by an issue fee payment of $755, however, as of September 26, 2011, the fee increased, the current issue fee is $870 (small entity), a balance of $115 is due. No consideration on the merits can be given until the required fee deficiency is remitted.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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KAILASH CHANDRA AGARWAL
8613 EAGLEVIEW DRIVE
DURHAM NC 27713

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Kailash Chandra AGARWAL	:	
Application No. 12/460,474	:	DECISION ON PETITION
Filed: July 20, 2009	:	
Attorney Docket No.	:	

This is in response to the communication, filed September 07, 2011, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On January 20, 2011, the Office mailed a Notice of Restriction Requirement, which set a one (1) month shortened statutory period to reply. The application became abandoned on February 21, 2011, for failure to submit a timely response to the Office action. On August 31, 2011, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the January 20, 2011 Office action. Specifically, petitioner states that had he received the notification, he would have responded appropriately.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the January 20, 2011 Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of Restriction Requirement of January 20,

2011, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after January 20, 2011, to demonstrate nonreceipt of the Notice of Restriction Requirement Office action. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice of Restriction Requirement Office action was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after January 20, 2011; the period when he would have received the January 20, 2011 Office action.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the Notice of Restriction Requirement Office action mailed January 20, 2011. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the Notice of Restriction Requirement Office action accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$930.00 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 $930.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM

(EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be 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 Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Office action dated January 20, 2011.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KAILASH CHANDRA AGARWAL
8613 EAGLEVIEW DRIVE
DURHAM NC 27713

MAILED
MAR 21 2012
OFFICE OF PETITIONS

In re Application of	:	
Kailash Chandra AGARWAL	:	
Application No. 12/460,474	:	DECISION ON PETITION
Filed: July 20, 2009	:	
Attorney Docket No.	:	

This is a decision on the renewed petition, filed January 05, 2012, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

On April 19, 2011, the Office mailed a Notice Requiring Extension of Time Fee. The application became abandoned on February 21, 2011, for failure to submit a timely response to the Office action of January 20, 2011. On August 31, 2011, the Office mailed a Notice of Abandonment.

Petitioner asserts that the Notice Requiring Extension of Time Fee dated April 19, 2014 was not received.

A review of the Office records indicates an irregularity in the mailing of the Notice mailed April 19, 2011.

In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'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 Technology Center AU 1655 for appropriate action in the normal course of business on the reply received April 04, 2011.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,499	07/20/2009	Ziyad A. Qamhiych	P07915US01	1867

22885 7590 11/23/2011
MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

EXAMINER
TRIEU, THAI BA

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
11/23/2011	ELECTRONIC

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

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

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

patatty@ipmvs.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 21, 2011

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

In re Application of	:	
Qamhiyeh, Ziyad A	:	**DECISION ON PETITION**
Application No. 12/460,499	:	
Filed: 07/20/2009	:	
Attorney Docket No. P07915US1	:	

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 20, 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 ☑

Also the drawings are improperly labeled as Drawings instead of Figures.

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.

/Diane Terry/
Quality Control Specialist

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.
12/460,522	07/20/2009	Louis Hawthorne	TCV 0004	4338

77845 7590 01/28/2011
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

EXAMINER
BOWEN, RICHARD L

ART UNIT	PAPER NUMBER
2157	

NOTIFICATION DATE	DELIVERY MODE
01/28/2011	ELECTRONIC

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

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

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

Patentsv@goodwinprocter.com
dnakley@goodwinprocter.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GOODWIND PROCTER LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park CA 94025-1105

In re Application of:
HAWTHORNE, Louis et al.
Application No. 12/460,522
Filed: July 20, 2009
For: **SYSTEM AND METHOD FOR IDENTIFYING AND PROVIDING USER-SPECIFIC PSYCHOACTIVE CONTENT**

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 July 20, 2009, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 3(a)-4, 7 and 9(a)-10 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), explanation why the color drawings are necessary, 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

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

The petition was filed electronically with the required fee, 3 (three) sets of color drawing Figures 3(a)-4, 7 and 9(a)-10. However, the amendment to the specification filed on July 20, 2009 has not been entered. M.P.E.P. 714(II) specifies that any amendment to the specification "must begin on a separate sheet entitled 'Amendments to the Specification.'" As a result, the specification of the instant application does not contain the required notification described above.

Accordingly, the petition is **DISMISSED**.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 09 2012

OFFICE OF PETITIONS

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of
AKIRA YAMAGUCHI
Application No.: 12/460,560
Filed: July 21, 2009
Attorney Docket No.: 4041J-001598/US
For: VEHICULAR AIR CONDITIONING APPARATUS AND AIR CONDITIONING METHOD

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 6, 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 JoAnne Burke at 571-272-4584.

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

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.

David Bucci
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
JUL 12 2011
OFFICE OF PETITIONS

Deirdra M. Meagher
24 Mine Street
Flemington, NJ 08822

In re Application of John E. Harrold :
Application No. 12/460,563 : Decision on Petition
Filing Date: July 21, 2009 :
Attorney Docket No. SWD-147 AD :

This is a decision on the petition under 37 CFR 1.137(b) filed May 25, 2011, which requests revival of the application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed May 21, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on Tuesday, August 24, 2010. A Notice of Abandonment was mailed December 8, 2010.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,
(2) The petition fee, and
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[1]

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply in the form of an amendment, (2) the required petition fee of $810, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

[1] A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record. A PDF fillable form which may be used to change the address of record can be found at: http://www.uspto.gov/web/forms/sb0122.pdf.

Technology Center Art Unit 3754 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Dierdra M. Meagher
6 Minneakoning Road
Flemington, NJ 08822

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HAMILTON, BROOK, SMITH &
REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Scott L. Harbison	:	
Application No. 12/460575	:	DECISION ON
Filing or 371(c) Date: 07/20/2009	:	APPLICATION FOR
Attorney Docket Number: 4151.1037-003	:	PATENT TERM ADJUSTMENT

This is a decision on the petition filed on November 1, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six (6) days. Applicant requests this correction based upon an assertion that the Office erred in failing to calculate a reduction of three (3) days pursuant to 37 CFR 1.704(b).

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six (6) days is GRANTED.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is six (6) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On August 2, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is nine (9) days.

On November 1, 2011, applicant timely submitted the present application for patent term adjustment[1]. Applicant asserts that the Office erred in failing to calculate a reduction of three (3) days pursuant to 37 CFR 1.704(b).

Applicant's argument has been carefully considered. A review of Office records confirm that this Office mailed a Notice to File Missing Parts of Nonprovisional Application on August 13, 2009.

[1] Office records show that the Issue Fee payment was received in the Office on November 1, 2011.

Applicants filed a reply to the Notice on November 16, 2009, three (3) months and three (3) days after the mailing of the Notice, and the entry of a period of reduction of three (3) days, beginning on November 14, 2009, and ending on November 16, 2009, is appropriate.

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is six (6) days, subject to any terminal disclaimer.

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

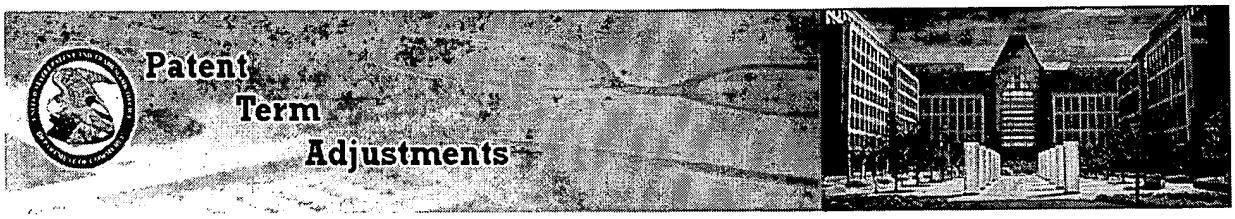
The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations



PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12460575 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12460575

Application Filing Date	07/20/2009	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	9
A Delays	9	PTO Manual Adjustment	-3
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	6

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
58	11/14/2011		P028	Adjustment of PTA Calculation by PTO		3	0
51	08/02/2011		MN/=.	Mail Notice of Allowance			0
50	08/01/2011		OAR	Office Action Review			0
49	07/27/2011		OAR	Office Action Review			0
48	07/12/2011		OAR	Office Action Review			0
47	07/12/2011		IREV	Issue Revision Completed			0
46	06/28/2011		OAR	Office Action Review			0
45	06/28/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
44	06/28/2011		DVER	Document Verification			0
43	06/28/2011		N/=.	Notice of Allowance Data Verification Completed			0
42	06/28/2011		DOCK	Case Docketed to Examiner in GAU			0
41	06/23/2011		CNTA	Allowability Notice			0
37	06/22/2011		FWDX	Date Forwarded to Examiner			0
40	06/17/2011		IDSC	Information Disclosure Statement considered			0
38	06/17/2011	06/17/2011	M844	Information Disclosure Statement (IDS) Filed			36
36	06/17/2011		A.NE	Amendment after Final Rejection			0
35	06/17/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
34	04/20/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
33	04/19/2011		OAR	Office Action Review			0
32	03/12/2011		CTFR	Final Rejection			0
31	01/06/2011		FWDX	Date Forwarded to Examiner			0
39	12/29/2010		IDSC	Information Disclosure Statement considered			0
30	12/29/2010		A...	Response after Non-Final Action			0
29	12/29/2010		RCAP	Reference capture on IDS			0
28	12/29/2010		M844	Information Disclosure Statement (IDS) Filed			0
27	12/29/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
26	09/29/2010	09/20/2010	MCTNF	Mail Non-Final Rejection	9		0.5
25	09/27/2010		CTNF	Non-Final Rejection			0
19	06/13/2010		DOCK	Case Docketed to Examiner in GAU			0
20	06/09/2010		IDSC	Information Disclosure Statement considered			0
18	06/09/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
17	06/09/2010		RCAP	Reference capture on IDS			0
16	06/09/2010		M844	Information Disclosure Statement (IDS) Filed			0
12	04/12/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0
11	03/11/2010		PG-ISSUE	PG-Pub Issue Notification			0
10	11/30/2009		OIPE	Application Dispatched from OIPE			0
9	11/30/2009		FLRCPT.U	Filing Receipt - Updated			0
15	11/16/2009		A.PE	Preliminary Amendment			0
8	11/16/2009		FLFEE	Payment of additional filing fee/Preexam			0
7	11/16/2009		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
21	11/03/2009		IDSC	Information Disclosure Statement considered			0
14	11/03/2009		RCAP	Reference capture on IDS			0
13	11/03/2009		M844	Information Disclosure Statement (IDS) Filed			0

6	11/03/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
5	08/13/2009	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
4	08/13/2009	FLRCPT.O	Filing Receipt	0
3	07/28/2009	L194	Cleared by OIPE CSR	0
2	07/24/2009	SCAN	IFW Scan & PACR Auto Security Review	0
1	07/22/2009	IEXX	Initial Exam Team nn	0
0.5	07/20/2009	EFILE	Filing date	0

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NOV 02 2010

OFFICE OF PETITIONS

ERIC MANLEY
129 E 82ND ST #6C
NEW YORK NY 10028

In re Application of	:	
Eric MANLEY	:	
Application No. 12/460,589	:	DECISION ON PETITION
Filed: July 22, 2009	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed October 20, 2009. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. A one (1) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on January 21, 2010.

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

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

All other inquires should be directed to the Office of Data Management at (571) 272-4200.

This application is being referred to the Office of Data Management for further pre-examination processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM CA 92807

MAILED

APR 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Wolf, Jeffrey B. et al.	:	
Application No. 12/460,590	:	DECISION ON PETITION
Filed: July 21, 2009	:	TO WITHDRAW
Attorney Docket No. ABS-002	:	FROM RECORD
	:	

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

The request is **NOT APPROVED**.

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

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

The request cannot be approved because change of address will only be accepted to the first name inventor. Please provide first name inventor address.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 17 2011

OFFICE OF PETITIONS

KIRK HERMANN
150 CERRO VISTA WAY
ANAHEIM CA 92807

In re Application of	:	
WOLF, Jeffrey B. et al.	:	
Application No. 12/460,590	:	DECISION ON PETITION
Filed: July 21, 2009	:	TO WITHDRAW
Attorney Docket No. ABS-002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 06, 2011.

The request is **APPROVED.**

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

The request was signed by Kirk Hermann, the sole attorney of record. Kirk Hermann 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 Jeffrey Wolf 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: **JEFFREY B. WOLF**
2814 RANCHO PANCHO
CARLSBAD CA 92009

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.
12/460,596	07/21/2009	Anna N. Yaroslavsky	62043CON2 (51588)	7104

71284 7590 12/23/2011
EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER
PAJOOHI, TARA S

ART UNIT	PAPER NUMBER
2886	

MAIL DATE	DELIVERY MODE
12/23/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

December 22, 2011

EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
Anna N. Yaroslavsky et al.	:	**DECISION ON PETITION**
Application No. 12460596	:	
Filed: 07/21/2009	:	
Attorney Docket No. **62043CON2 (51588)**	:	

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) November 4, 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

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

February 14, 2012

EDWARDS WILDMAN PALMER LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
Anna N. Yaroslavsky et al.	:	**DECISION ON PETITION**
Application No. 12460596	:	
Filed: 07/21/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **62043CON2 (51588)**	:	***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) February 9, 2012.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE NY 14221-5406

MAILED
MAY 24 2011
OFFICE OF PETITIONS

In re Application of :
Erich Steadman :
Application No. 12/460,612 : DECISION ON PETITION
Filed: July 22, 2009 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **BUWP101US** :

This is a decision on the petition, filed May 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**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on February 16, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

On May 11, 2011, petitioner submitted a Notification of Foreign Filing Pursuant to 37 CFR 1.213(b) indicating rescission of the previous nonpublication request, however, the required statement "I hereby **rescind** the previous nonpublication request" was omitted. Accordingly, the petition

cannot be considered at this time. A PTO/SB/36 Rescission of Previous Nonpublication Request form has been enclosed for petitioner's convenience. Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: PTO/SB/36 Rescission of Previous Nonpublication Request Form

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE NY 14221-5406

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Erich Steadman	:	
Application No. 12/460,612	:	DECISION ON PETITION
Filed: July 22, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. **BUWP101US**	:	

This is a decision on the renewed petition, filed May 27, 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 **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on July 21, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 15, 2011, accompanies this decision on petition.

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

This application is being forward to Technology Center Art Unit 3653 for examination in due course.

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/460,612	07/22/2009	Erich Steadman	BUWP101US

CONFIRMATION NO. 5403

24041
SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE, NY 14221-5406

NONPUBLICATION RESCISSION LETTER

OC000000048062810

Date Mailed: 06/06/2011

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 09/15/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

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

/jlburke/

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

Linlin C. Zhu
93 Autumn Dr.
Poughkeepsie NY 12603

MAILED

AUG 3 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Linlin C. Zhu	:	
Application No.: 12/460,660	:	ON PETITION
Filed: July 23, 2009	:	
Attorney Docket No:	:	

This is in response to the petition under 37 CFR 1.137(b) filed July 29, 2010.

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

This application became abandoned for failure to respond in a timely manner to the Notice to File Corrected Application Papers mailed August 6, 2009. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). No response was received within the allowed period, and the application became abandoned on September 14, 2005. A Notice of Abandonment was mailed on April 12, 2010.

The replacement drawings were received May 13, 2010.

The replacement claims and abstract were also received May 13, 2010

This application is being directed to the Office of Patent Application Processing for further processing.

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

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HOLLSTEIN KEATING CATTTELL JOHNSON & GOLDSTEIN P.C
WILLOW RIDGE EXECUTIVE OFFICE PARK
750 ROUTE 73 SOUTH, SUITE 301
MARLTON, NJ 08053

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of :
Vosbikian et al. :
Application No. 12/460,698 : ON PETITION
Filed: July 23, 2009 :
Attorney Docket No. 2262.00015 :

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

The petition is **GRANTED**.

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

The instant petition includes a statement by the applicant's attorney that he is over 65 years of age and a Declaration from applicant that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3781 for action on the merits commensurate with this decision.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 29,2011

In re Application of :

Feather King

Application No : 12460704

Filed : 22-Jul-2009

Attorney Docket No : 902P

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed June 29,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12460704
Filing Date	22-Jul-2009
First Named Inventor	Feather King
Art Unit	3654
Examiner Name	WILLIAM DONDERO
Attorney Docket Number	902P
Title	THREAD SPOOL AND BOBBIN HOLDER

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

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

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

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

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☒ Applicant(s) status remains as SMALL ENTITY.

☐ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.
- [x] 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	/Thomas M. Freiburger/
Name	Thomas M. Freiburger
Registration Number	27063

D AC/IF

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12460704
Filing Date	22-Jul-2009
First Named Inventor	Feather King
Art Unit	3654
Examiner Name	WILLIAM DONDERO
Attorney Docket Number	902P
Title	THREAD SPOOL AND BOBBIN HOLDER

OIPE IAP5 JUN 2 9 2011 PATENT & TRADEMARK OFFICE

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 :

06/30/2011 INTEFSW 00003806 12460704
01 FC:2453 810.00 OP

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

Signature	/Thomas M. Freiburger/
Name	Thomas M. Freiburger
Registration Number	27063

UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE IAP5
JUN 29 2011
PATENT & TRADEMARK OFFICE

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

Decision Date: June 29,2011

In re Application of:

Feather King

Application No: 12460704

Filed: 22-Jul-2009

Attorney Docket No: 902P

DECISION ON PETITION
UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed June 29,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

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.
12/460,712	07/22/2009	Stephen R. Hanson	3800001.00016 / 5202E	6318

77202 7590 • 12/10/2010
K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego, CA 92130

EXAMINER
FUBARA, BLESSING M

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 1 0 2010

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

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Stephen Hanson
Serial No.: 12/460,712
Filed: July 22, 2009
Attorney Docket No: **3800001.00016 / 5202E**

: PETITION DECISION

This is in response to the petition filed on November 30, 2010 under 3 7 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 26, 2009 and October 8, 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 26, 2009 and October 8, 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 26, 2009 and October 8, 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 26, 2009, "Transmittal Letter" of 5 pages, and October 8, 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 26, 2009 and October 8, 2010.

DECISION

The petition is **GRANTED.**

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

The Dow Chemical Company
Brooks, Cameron, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

MAILED
FEB 15 2012
OFFICE OF PETITIONS

In re Application of Stadlwieser et al. :
Application No. 12/460,752 :
Filed: July 24, 2009 :
Attorney Docket No. 64979-US-NP :
For: Alkylene Oxide Purification :
Process and Systems :

Decision Refusing to Accord
Status Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a) filed October 16, 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. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) Proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
(2) A proper oath or declaration executed by the available joint inventor(s),
(3) The fee of $200 as specified in 37 CFR 1.17(g), and
(4) The last known address of the non-signing inventor(s).

The petition fails to satisfy requirements (1) and (2) set forth above.

As to requirement (1), the proof of refusal submitted with the petition is incomplete.

If an inventor sends written correspondence refusing to sign an oath or declaration, the correspondence must be filed with the petition. The petition includes a copy of a letter from the

non-signing inventor. The petition states the letter has been "redacted to remove offensive text." Situations may well exist where a choice by a party to withhold portions of a letter from an inventor are proper. For example, the redaction of a social security number in the letter would clearly be warranted. However, the petition fails to demonstrate the removal of language that Petitioner finds offensive is proper.

Any request for reconsideration should include a non-redacted copy of the letter from the inventor or include arguments establishing the submission of the redacted letter is proper.

As to requirement (2), the declaration submitted with the petition is improper.

Inventor Gary L. Culp is deceased. The declaration appears to identify Gary Culp's last known residential address, mailing address, and citizenship. The declaration is signed by Donald Culp on behalf of Gary L. Culp. A declaration signed by a legal representative of a deceased inventor must:

(A) State the inventor's full name, citizenship, and last known residential and mailing addresses, <u>and</u>
(B) State the legal representative's full name, citizenship, and last known residential and mailing addresses.

The declaration does not provide Donald's Culp's citizenship, residential address, or mailing address. Therefore, the declaration is improper.

Although a supplemental declaration signed by Donald Culp may be filed in order to correct the problems set forth above, Petitioner may wish to file an Application Data Sheet ("ADS") to correct the problems instead in order to avoid the need to locate Donald Culp and obtain his signature.

The copy of the declaration signed by Andresen is improper for several reasons. First, the declaration includes non-initialed and non-dated hand-written changes. Second, the hand-written changes delete the name and information for all of the inventors except Andresen, which results in Andresen appearing to assert he is the sole inventor. Third, a declaration filed with a petition under 37 CFR 1.47 must be signed by all the signing inventors on behalf of the non-signing inventor, and Andresen's choice to delete the name of the non-signing inventor is an indication Andresen is not signing the declaration on behalf of himself *and* the non-signing inventor.

A supplemental declaration signed by Andresen should be filed with any request for reconsideration. If a supplemental declaration by Andresen cannot be obtained, Petitioner may wish to contact Petitions Attorney Steven Brantley at the phone number at the end of the decision to discuss Petitioner's options.

As a courtesy, the Office notes the declaration identifies the non-signing inventor as Stephen R. Osborne, even though his legal name appears to be Steven R. Osborne. The Office strongly recommends Petitioner include a request for the Office to correct the inventor's name in any request for reconsideration *and* file an ADS correctly spelling the non-signing inventor's name.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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

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

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/460,775	Filing date:	07/24/2009
First Named Inventor:	Bernie B. Osborne		
Title of the Invention:	ALKYLENE OXIDE RECOVERY SYSTEMS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/004321

The international date of the corresponding PCT application(s) is/are: 07/24/2009 - July 24, 2009

I. List of Required Documents:

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

☐ Is attached

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

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

☒ Is attached.

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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

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

(continued)

Application No.:	12/460,775
First Named Inventor:	Bernie B. Osborne

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 Feb. 4, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on Feb. 4, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-2	1-2	Claims are identical.
3	3	Claim is identical except US claim amended to remove multiple dependency of PCT claim.
4-8	4-8	Claims are identical.
9-10	9-10	Claims are identical except US claims amended to remove multiple dependency of PCT claims.
11-13	11-13	Claims are identical.
14	14	Claim is identical except US claim amended to remove multiple dependency of PCT claim.
15-20	15-20	Claims are identical.

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

Signature /Joseph C. Huebsch/	Date Oct. 8, 2010
Name (Print/Typed) Joseph C. Huebsch	Registration Number 42,673

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.
12/460,775	07/24/2009	Bernie B. Osborne	64976-US-NP	6644

7590 12/23/2010
BROOKS, CAMERON & HUEBSCH, PLLC
Suite 500
1221 Nicollet Avenue
Minneapolis, MN 55403

EXAMINER
GALLIS, DAVID E

ART UNIT	PAPER NUMBER
1625	

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 2 3 2010

BROOKS, CAMERON & HUEBSCH, PLLC
Suite 500
1221 Nicollet Avenue
Minneapolis MN 55403

In re Application of	:	
OSBORNE, BERNIE B. et al.	:	DECISION ON REQUEST TO
Application No. 12/460,775	:	PARTICIPATE IN PCT-PATENT
Filed: July 24, 2009	:	PROSECUTION HIGHWAY PILOT
Attorney Docket No. 64976-US-NP	:	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) Pilot program and the petition under 37 CFR 1.102(d), filed October 08, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is a national stage entry of the corresponding EPO 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);
(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; and
(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.

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 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

William Ahmadi
P.O. Box 70328
Los Angeles CA 90070

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of	:	
William Ahmadi	:	
Application No. 12/460,778	:	DECISION ON PETITION
Filed: July 24, 2009	:	
	:	

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**.

The application was held to have gone abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed, November 2, 2009 which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. A Notice of Abandonment was mailed July 9, 2010.

In the present the petition, petitioner requests that the Office withdraw the holding of abandonment due to a response has been filed to previous Notices to file a substitute specification.

A review of the record indicates that a Notice to File Corrected Application Papers was mailed on August 14, 2009, in which the petitioner timely replied. A second Notice was mailed on October 1, 2009 requiring a substitute specification, in which the petitioner timely replied. A third Notice, a Notice to File Corrected Application Papers was mailed to petitioner on November 2, 2009, which set a shortened statutory period for reply of two (2) months. As no reply has been received by the Office, the application became abandoned, by law, on January 3, 2010.

In view of the above, the petition requesting withdrawal of the holding of abandonment cannot be granted at this time.

If petitioner cannot supply the evidence necessary to withdraw the holding of abandonment, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an

"unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $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). A copy of the "Petition For Revival of an Unintentionally Abandoned Application (PTO/SB/64)," is enclosed for your convenience.

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 Terri Johnson at (571) 272-2991.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Enclosed: Petition for Revival of an Unintentionally Abandoned Application, Form PTO/SB/64

UNITED STATES 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 Ahmadi
P.O. Box 70328
Los Angeles CA 90070

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of
William Ahmadi
Application No. 12/460,778
Filed: July 24, 2009

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 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 November 2, 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 January 3, 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 specification, (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 n the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

January 27, 2012

BAKER & MCKENZIE LLP
Pennzoil Place, South Tower
711 Louisiana, Suite 3400
Houston TX 77002

Re Application o
LIN, KURT M. , Et AL
Application: **12/460797**
Filed: **07/24/2009**
Attorney Docket No: **87220277-312005**

: **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) July 24, 2009.
The petition is **GRANTED**.
A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

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

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

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

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

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64a U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING UNDER 37 CFR 1.137(f)**
Application Number	12460805
Filing Date	24-Jul-2009
First Named Inventor	Daniel Frederick
Art Unit	3644
Examiner Name	FRANCIS PALO
Attorney Docket Number	
Title	Device for preventing plant growth around posts

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b).

A grantable petition requires the following items:
(1) Petition fee;
(2) Reply;
(3) 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.

Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

☒ Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requries publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 07-23-2010

☒ The non-publication request has been filed on 24-Jul-2009

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

◯ A sole inventor

◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.

◯ A joint inventor; all of whom are signing this e-petition.

◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/James C. Simmons, Reg 28474/
Name	James C. Simmons
Registration Number	28474

UNITED STATES 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 : July 18,2011

In re Application of :

DECISION ON PETITION

Daniel Frederick

Application No : 12460805

Filed : 24-Jul-2009

Attorney Docket No :

This is an electronic decision on the petition, filed July 18,2011 ,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 **GRANTED.**

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on

07-23-2010

However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign 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 under 37 CFR 1.137(f) must be accompanied by:
(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date will be viewable in Private PAIR within one (1) business day.

This application file is being directed to the Office of Data Management.

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

Law Office of Ronald R. Kilponen
P.O. Box 1132
Novi, MI 48376

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Lisa Kenna	:	
Application No. 12/460,807	:	DECISION ON PETITION
Filed: July 24, 2009	:	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 4, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Ronald R. Kilponen on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Lisa Kenna**
1707 Avenida Del Sol
Boca Raton, FL 33432

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
12/460,807	07/24/2009	Lisa Kenna	

CONFIRMATION NO. 2652

POWER OF ATTORNEY NOTICE

23352
LAW OFFICE OF RONALD R KILPONEN
P O BOX 1132
NOVI, MI 48376

OC000000046622211

Date Mailed: 03/17/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/04/2011.

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

/tsjohnson/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHUBERT LAW GROUP PLLC
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS MN 55402

FEB 15 2012

In re Application of		
HSIN, CHIH-FAN et al.	:	
Application No.: 12/460,838	:	DECISION ON
Filing or 371(c) Date: July 24, 2009	:	PETITION
Attorney Docket Number: P30402(4127)	:	

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on January 19, 2012.

The petition is **DISMISSED**.

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed September 29, 2011. The Notice of Abandonment was mailed January 13, 2012.

The Office acknowledges receipt of Part B – Fee(s) Transmittal on January 19, 2012, was received to charge the fees to the Deposit Account **after the due date**. Corrected Notice of Allowability mailed October 20, 2011 does not restart the time for issue fee due.

In light of the non-compliance with 37 CFR § 1.8(b), the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application

Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

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

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

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

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Donald L. Shenk
412 E. Grant St.
Lancaster PA 17602

MAILED
SEP 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Donald Landis Shenk	:	
Application No. 12/460,839	:	DECISION ON PETITION
Filed: July 24, 2009	:	
	:	

This is a decision on the petition, filed June 28, 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 timely respond to the Notice to File Application Papers of October 5, 2009, which set a two (2) month shortened statutory period for reply. A reply was due on or before December 5, 2009. The Office mailed a Notice of Abandonment on June 15, 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 November 30, 2009 of, *inter alia,* four (4) pages of drawings. A copy of the previously submitted reply accompanies the petition.

The drawings acknowledged as having been received in the USPTO on November 30, 2009 is not of record in the application file and have 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 drawings were 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 November 30, 2009.

Telephone inquiries regarding 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 in the normal course of business on the reply received with petition.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 2 3 2010

OFFICE OF PETITIONS

RICHARD L. MILLER
12 PARKSIDE DRIVE
DIX HILLS NY 11746

In re Application of	:	
SCHWANZ, Kenneth H.	:	
Application No. 12/460,872	:	DECISION ON PETITION
Filed: July 24, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SCHK8 3A**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), August 30, 2010 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of Kenneth Schwanz driver's license and birth certificate attesting to his/her age. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3765 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

protein drugs are remicade, enbrel, daclizumab, basiliximab, alemtuzumab, omalizumab, BMS-188667, CDP-571, inolimomab, ATM-027, or BTI-322),
steroid hormone agents that bind to intracellular steroid receptors to form a complex which binds to reaction sites on chromosomes, resulting in the synthesis of proteins which show immunosuppressive activity (said steroid hormone agent is prednisolone), and
substances suppressing prostaglandin production and/or nonsteroidal anti-inflammatory drugs antagonizing the action of prostaglandin (said nonsteroidal anti-inflammatory drugs are loxoprofen sodium, diclofenac sodium, meloxicam, celecoxib, or rofecoxib), and

13 (~~124~~) a pharmaceutical composition ~~according to any one of (60) to (122)~~ wherein said composition contains at least one immunosuppressant selected from the group consisting of cyclosporin A, tacrolimus, rapamycin, leflunomide, methotrexate, remicade, and enbrel.

Another object of the present invention is to provide the following pharmaceutical compositions and methods:

13 (~~125~~) a pharmaceutical composition comprising as an active ingredient a compound, a pharmacologically acceptable salt thereof or a pharmacologically acceptable ester thereof ~~according to any one of (1) to (59)~~,

~~(126)~~ a pharmaceutical composition according to 13 (~~125~~) for the prevention or treatment of autoimmune diseases,

~~(127)~~ a pharmaceutical composition according to 13 (~~126~~) wherein said autoimmune disease is rheumatoid arthritis,

a pharmaceutical composition according to 13 (~~126~~) wherein said autoimmune disease is Crohn's disease or ulcerative colitis,

a pharmaceutical composition according to (~~126~~ 13) wherein said autoimmune disease is multiple sclerosis,

a pharmaceutical composition according to (~~126~~ 13) wherein said autoimmune disease is psoriasis,

a pharmaceutical composition according to (~~126~~ 13) wherein said autoimmune disease is atopic dermatitis,

a pharmaceutical composition according to (~~126~~ 13) wherein said autoimmune disease is insulin dependent diabetes mellitus,

a pharmaceutical composition according to (~~126~~ 13) wherein said autoimmune disease is glomerular nephritis,

~~(128)~~ a pharmaceutical composition according to (~~125~~ 13) for suppression of rejection caused by transplantation of various organs or skin,

~~(129)~~ a method for the prevention or treatment of autoimmune diseases in a mammal which comprises administering to said mammal an effective amount of a pharmaceutical composition ~~according to any one of (60) to (125)~~,

~~(130)~~ a method for the prevention or treatment of rheumatoid arthritis in a mammal which comprises administering to said mammal an effective amount of a pharmaceutical composition ~~according to any one of (60) to (125)~~, and

a method for the prevention or treatment of psoriasis in a mammal which comprises administering to said mammal an effective amount of a pharmaceutical composition ~~according to any one of (60) to (125)~~,

a method for the prevention or treatment of Crohn's disease or ulcerative colitis in a mammal which comprises administering to said mammal an effective amount of a pharmaceutical composition ~~according to any one of (60) to (125)~~,

a method for the prevention or treatment of multiple sclerosis in a mammal which comprises administering to said mammal an effective amount of a pharmaceutical composition ~~according to any one of (60) to (125)~~,

a method for the prevention or treatment of atopic dermatitis in a mammal which comprises administering to said mammal an effective amount of a pharmaceutical composition ~~according to any one of claims 60 to 125~~.

a method for the prevention or treatment of insulin dependent diabetes mellitus in a mammal which comprises administering to said mammal an effective amount of a pharmaceutical composition ~~according to any one of claims 60 to 125~~.

a method for the prevention or treatment of glomerular nephritis in a mammal which comprises administering to said

mammal an effective amount of a pharmaceutical composition ~~according to any one of claims 60 to 125~~.

~~(131)~~ a method for the prevention or treatment of rejection caused by transplantation of various organs or skin in a mammal which comprises administering to said mammal an effective amount of a pharmaceutical composition ~~according to any one of (60) to (125)~~.

In the formulae (I), (II) and (III), the aryl moiety of the "C_6-C_{10} aryl group", the "C_6-C_{10} aryl group which is substituted with from 1 to 3 substituents selected from Substituent group (a)", or the "C_6-C_{10} aryl group which is substituted with from 1 to 3 substituents selected from the group consisting of Substituent group (a) and Substituent group (b)" in the definition of D, R^5 or Substituent group (b) can be, for example, a group such as a phenyl, indenyl, or naphthyl group, and is preferably a phenylene or naphthylene group, and most preferably a phenylene group.

The arylene moiety of the "C_6-C_{10} arylene group", the "C_6-C_{10} arylene group which is substituted with from 1 to 3 substituents selected from Substituent group (a)", or the "C_6-C_{10} arylene group which is substituted with from 1 to 3 substituents selected from the group consisting of Substituent group (a) and Substituent group (b)" in the definition of Y or E can be, for example, a group such as a phenylene, indenylene, or naphthylene group, and is preferably a phenylene or naphthylene group, and most preferably a phenylene group.

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FEB 10 2012

OFFICE OF PETITIONS

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

In re Application of Francois J. Henley, et al. Application No. 12/460,899 Filed: July 23, 2009 Attorney Docket No.: 83020-025710US-800683	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed December 21, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 14, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed September 14, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 15, 2011. On December 21, 2011, the present petition was filed. A Notice of Abandonment was subsequently mailed on December 29, 2011.

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,740 issue fee and $300 publication fee; (2) the petition fee of $1,860; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DAH-BIN KAO
KILPATRICK TOWNSEND & STOCKTON LLP
1080 MARSH ROAD
MENLO PARK, CA 94025

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.
12/460,941	07/27/2009	Gerald Horn	ASD10554P00070US	3995

32116 7590 04/11/2012
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

EXAMINER
JAVANMARD, SAHAR

ART UNIT	PAPER NUMBER
1627	

MAIL DATE	DELIVERY MODE
04/11/2012	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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April 11, 2012

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

In re Application of	:	
Gerald Horn	:	**DECISION ON PETITION**
Application No. 12460941	:	
Filed: 7/27/2009	:	
Attorney Docket No. ASD10554P00070US	:	

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) July 27, 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 EFS 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 ☑

The color drawings paragraph is at the beginning of the specification filed July 27, 2009. It must be at the beginning of the Brief Description, i.e., on page 5 after the heading.

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.

/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
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,954	07/27/2009	Gerald Horn	ASD10554P00030US	6966

32116 7590 10/04/2011
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

EXAMINER
CLAYTOR, DEIRDRE RENEE

ART UNIT	PAPER NUMBER
1627	

MAIL DATE	DELIVERY MODE
10/04/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 3, 2011

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

In re Application of	:	
Gerald Horn	:	**DECISION ON PETITION**
Application No. 12460954	:	
Filed: 07/27/2009	:	
Attorney Docket No. **ASD10554P00030US**	:	

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) July 27, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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November 12, 2011

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

In re Application of	:	
Gerald Horn	:	**DECISION ON PETITION**
Application No. 12460954	:	
Filed: 07/27/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **ASD10554P00030US**	:	***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) November 4, 2011.

The petition is **GRANTED**.

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

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

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

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

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

IFW

OPA
DEC 0 3 2010
PATENT & TRADEMARK OFFICE

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known): 12/460,982	Filing date: 07/27/2009
First Named Inventor: KAMEN GEORGE KAMENOV		
Title: MULTI-CYLINDER RECIPROCATING ROTARY ENGINE		

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: Ø

Signature Kamenov	Date NOV. 30. 2010
Name (Print/Typed) KAMENOV	Registration Number

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

[X] *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.

OPAP
IAP23
DEC 03 2010
PATENT & TRADEMARK OFFICE

In The United States Patent and Trademark Office

Appn. Nr: 12/460, 982
Filing date: 07/27/ 2009
Applicant: Kamen G. Kamenov

Mailed on: NOV.30.2010

Declaration in Support of Accompanying Petition to Make Special under the Green Technology Pilot Program

Reason: - Enhancement of Environmental Quality
Reason: - Energy Saving Results
Reason: - Green House Gas Emission Reduction

In support of accompanying Petition to Make Special, applicant declares as follows:

1. I am the applicant of the above-identified patent application.

2. The invention of the above application will materially enhance the quality of the environment of humankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements of air, water, natural resources and energy in the manner described below:

3. Specifically, the invention of the above specification is a new type of rotary engine which provides more efficient way of converting energy from gasoline than theretofore available energies because it uses a highly efficient design, employing a rotary piston which is the only moving part inside the engine, thereby increasing an average of 100% to 200% or more the efficiency of the engine, compared to the prior-art conventional internal combustion engines of the similar capacity, as described in full detail in the specification.

4. By more efficiently using gasoline power it enables the potential users to lower the coast of energy extracted per gallon of gasoline. This will result in a conserving and saving of natural resources and decrease dependency on importing foreign gasoline.

5. In addition, the invention of the above application will contribute to saving of energy and natural resources because of its size-to-volume ratio. Since the rotary engine, according to the invention, is approximately two to four or more times smaller and lighter compared to a conventional engine of a similar capacity, it will require much less energy to manufacture and assemble thus resulting in the above mentioned savings of materials, natural energy and natural and human resources and therefore enhancing the quality of the environment and contributing to the decreasing of the global warming and the global pollution and thus to the green house gas emission reduction.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefore.

Very respectfully, Kamenov

Kamen George Kamenov

2470 Fulton St.#5
San Francisco, CA 94118
(415) 387 7143 h.
(415) 987 7143 cell.

e-mail: "kgkamenov@yaho.com

OPAP
DEC 0 3 2010
PATENT & TRADEMARK OFFICE

IFW

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number:	Application Number (if known): 12/460,982	Filing date: 07/27/2009
First Named Inventor: KAMEN GEORGE KAMENOV		
Title: MULTI-CYLINDER RECIPROCATING ROTARY ENGINE		

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: d

Signature Kamenov	Date Dec. 1. 2010
Name (Print/Typed) KAMENOV	Registration Number

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

[X] *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.

OPAP
DEC 0 3 2010
IAP23
PATENT & TRADEMARK OFFICE

In The United States Patent and Trademark Office

Appl. Nr: 12/460, 982
Filing date: 07/27/ 2009
Applicant: Kamen G. Kamenov

Mailed on: Dec. 01. 2010

Declaration in Support of Accompanying Petition to Make Special under the Green Technology Pilot Program

Reason: - Enhancement of Environmental Quality
Reason: - Energy Saving Results
Reason: - Green House Gas Emission Reduction

In support of accompanying Petition to Make Special, applicant declares as follows:

1. I am the applicant of the above-identified patent application.

2. The invention of the above application will materially enhance the quality of the environment of humankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements of air, water, natural resources and energy in the manner described below:

3. Specifically, the invention of the above specification is a new type of rotary engine which provides more efficient way of converting energy from gasoline than theretofore available energies because it uses a highly efficient design, employing a rotary piston which is the only moving part inside the engine, thereby increasing an average of 100% to 200% or more the efficiency of the engine, compared to the prior-art conventional internal combustion engines of the similar capacity, as described in full detail in the specification.

4. By more efficiently using gasoline power it enables the potential users to lower the coast of energy extracted per gallon of gasoline. This will result in a conserving and saving of natural resources and decrease dependency on importing foreign gasoline.

5. In addition, the invention of the above application will contribute to saving of energy and natural resources because of its size-to-volume ratio. Since the rotary engine, according to the invention, is approximately two to four or more times smaller and lighter compared to a conventional engine of a similar capacity, it will require much less energy to manufacture and assemble thus resulting in the above mentioned savings of materials, natural energy and natural and human resources and therefore enhancing the quality of the environment and contributing to the decreasing of the global warming and the global pollution and thus to the green house gas emission reduction.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefore.

Very respectfully, Kamenov

Kamen George Kamenov

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San Francisco, CA 94118
(415) 387 7143 h.
(415) 987 7143 cell.

e-mail: "kgkamenov@yaho.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/460,982	07/27/2009	Kamen George Kamenov		3742

7590 12/21/2010

Kamen George Kamenov
2470 Fulton St. #5
San Francisco, CA 94118

EXAMINER

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
12/21/2010	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
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Kamen George Kamenov
2470 Fulton St. #5
San Francisco CA 94118

In re Application of	:	
KAMENOV, KAMEN GEORGE	:	DECISION ON PETITION
Application No. 12/460,982	:	TO MAKE SPECIAL UNDER
Filed: July 27, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. n/a	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 3, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks items #4 and # 8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed rotatably reciprocating multi-cylinder vane internal combustion engine with cylindrical casings will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee $300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

This application will be forwarded to the Technology Center Art Unit 3749 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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MAIL

MAR 11 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of NISHIMURA, KOUICHI Application No. 12/461,112 Filed: July 31, 2009 Attorney Docket No. **202637/08**	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 12, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

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

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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.
12/461,249	08/05/2009	Akihiro Daito	142447	8510

25944 7590 10/03/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
SWANN, JUDY J

ART UNIT	PAPER NUMBER
3785	

NOTIFICATION DATE	DELIVERY MODE
10/03/2011	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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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
DAITO, AKIHIRO , et al.	:	DECISION ON REQUEST TO
Application No. 12/461,249	:	PARTICIPATE IN PATENT
Filed: August 05, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 142447	:	PROGRAM AND PETITION
For: FIN INSPECTION METHOD OF A HEAT	:	TO MAKE SPECIAL UNDER
EXCHANGER	:	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 29, 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 Judy Swann, SPE of Art Unit 3785, and 571-272-7075 for Class 165 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

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United States Patent and Trademark Office
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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of	:
John H. Dow et al.	:
Application No. 12/461,259	: DECISION ACCORDING STATUS
Filed: August 5, 2009	: UNDER 37 CFR 1.47(a)
Attorney Docket No. 1668.1004	:

This is in response to the renewed petition filed September 17, 2010 under 37 CFR 1.47(a)[1].

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

The above-identified application was filed on August 5, 2009 with an unsigned declaration. Accordingly, on August 24, 2009, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, a petition was filed February 24, 2010, under 37 CFR 1.47(a), with a four month extension of time request, arguing that petitioners had not been successful in securing an executed oath or declaration from joint inventor Terry Summerson. The petition was dismissed in a decision mailed April 19, 2010 because the petition lacked compliance with 37 CFR 1.47(a)(1).

Comes now petitioner with a renewed petition and a three month extension of time.

The renewed petition bears proof that the application papers including the oath or declaration were sent to an email address for Mr. Summerson. Further, the petition bears proof that Mr. Summerson received the papers, as evidenced by his reply. However, petitioner maintains that the non-signing inventor has not returned an executed copy of the oath or declaration and thus refuses to cooperate with the filing of the instant application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

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[1]A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TERRY SUMMERSON
113 EAST CANVASBACK DRIVE
CURRITUCK, NC 27929

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of
John H. Dow et al.
Application No. 12/461,259
Filed: August 5, 2009
For: **AVIATION GROUND NAVIGATION SYSTEM**

Dear Mr. Summerson:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventors.

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

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

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WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Andreas Ametsbichler	:	
Application No. 12/461265	:	
Filing or 371(c) Date: 08/05/2009	:	ON PETITION
Attorney Docket Number:	:	
A-11416.RNIR/cat	:	

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

MAILED

SEP 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Dae-Bum Shin, et al.	:	
Application No. 12/461,296	:	DECISION GRANTING PETITION
Filed: August 6, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney No. P58998	:	

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed September 7, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 10, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2889 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

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

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

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

MAILED
JAN 06 2011
OFFICE OF PETITIONS

Applicants: Wang, et al.
Appl. No.: 12/461,304
Filing Date: August 6, 2009
Title: METHODS FOR MAKING AND COMPOSITIONS COMPRISING FERMENTATION PRODUCTS OF CORDYCEPS SINENSIS
Attorney Docket: 10975.0002-02
Pub. No.: US 2010/0021426 A1
Pub. Date: January 28, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 25, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because claim 1 contains an error wherein the words "and having" should be deleted.

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

The error noted by requestor with respect the misprint on page 12 where "B. Animal Safety Studies" was misprinted as "c1. Animal Safety Studies" may be an Office error, but it is not a material Office error under 37 CFR .1221(b). The misprint is a minor typographical error, which is clear from the specification as the specification refers to Figure 9C, which uses numerals and not letters. 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.

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

The error noted by requestor in Table 3 with the misprint of the symbol "γ" as a "y" is not a material Office error under 37 CFR 1.221(b), as the text of the symbol is not clear. Applicant is advised that he may want to file application papers that are clearer, as the error is due to the quality of the text. The text is faint, which makes it difficult to read and to electronically reproduce by digital imaging and optical character recognition. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d)(1).

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

November 18, 2011

Kilpatrick Townsend & Stockton/Qualcomm
Two Embarcadero Center
8th Floor
San Francisco CA 94111-3834

In re Application of	:	
Atid Shamaie	:	**DECISION ON PETITION**
Application No. 12461366	:	
Filed: 08/10/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **112956C1**	:	***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 10, 2009.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/461,373	08/10/2009	Tsutomu Ikeda	142501	4087

7590 11/04/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
DUDA, RINA I

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
11/04/2011	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.

Mimi Jarmes

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STABILPRESS INTERNATIONAL NV
HAACHTSESTEENWEG 1369
BRUSSELS 1130 BE **BELGIUM**

MAILED

AUG 1 1 2010

OFFICE OF PETITIONS

In re Application of :
Rudiger Cruysberghs :
Application No. 12/461,443 : ON PETITION
Filed: August 12, 2009 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(a), filed May 18, 2010 and May 26, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

The application became abandoned as a result of petitioner's failure to file a response to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed August 31, 2009. A Notice of Abandonment was mailed on May 10, 2010.

Petitioner asserts that the Notice was never received.

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.

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

A review of the record indicates no irregularity in the mailing of the August 31, 2009 Notice and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds himself of response due dates and show that the due date for the Notice of August 31, 2009, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after August 31, 2009, to demonstrate nonreceipt of the Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to a Notice, and where petitioner would have entered the receipt date of the Notice had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available.

Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Notice, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the August 31, 2009 Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after August 31, 2009; the period when he would have received the Notice.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the August 31, 2009 Notice. Therefore, the present petition cannot be granted at this time.

Additionally, it is noted that petitioner states "Most of the people do not understand English, when they receive such a letter they think it is one or another publicity or letter to earn money for a fund or ??? and throw the letter or the envelope in the rubbish bin."

Petitioner should note that the showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice may have been thrown away, misplaced and/or lost after receipt rather than a conclusion that the Notice was lost in the mail.

In view of the above, the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). See MPEP 711(c)(II)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

If petitioner cannot provide the evidence required to establish under the 37 CFR 1.137(a) that the delay in providing the required reply to the Notice mailed on October 31, 2008 was unavoidable, or simply does not wish to, petitioner should consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § '41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $810 petition fee[1].

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,

[1] Finance records show that petitioner submitted $270 for the petition fee on May 18, 2010 and May 26, 2010. However, since only one fee is required, petitioner may request that the $270 overpayment be applied towards the $810 unintentional petition fee, leaving a balance of $540 to be submitted by petitioner. Otherwise, petitioner may request that the overpayment of $270 be credited back to the credit card 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.

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). An unintentional petition to revive form (PTO/SB/64) is enclosed for petitioner's convenience.

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

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

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

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

Enclosures: Privacy Act Statement
Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) Form (PTO/SB/64)

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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STABILPRESS INTERNATIONAL NV
HAACHTSESTEENWEG 1369
BRUSSELS 1130 BE **BELGIUM**

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of :
Rudiger Cruysberghs :
Application No. 12/461,443 : ON PETITION
Filed: August 12, 2009 :
Attorney Docket No. N/A :

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

The application was held abandoned for failure to file a response to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed August 31, 2009, which set a two months period for reply from the mail date of the Notice. A reply was due on or before October 31, 2009[1]. A Notice of Abandonment was mailed on May 10, 2010.

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

Petitioner states "I came personal to the window in Alexandria for this matter. I asked for a receipt, the lady told me that she could not give a receipt, that usual the people ask her to put a stamp on the copy of the letters. She was not allowed to make copies; I went to another building to buy a blue card for the copy machine. I made a copy from my letter and from the Credit Card Form and went back to the window. The lady stamped both pages on September 25, 2009."

A review of the evidence submitted on September 24, 2010, shows that petitioner filed a Credit Card form for the $195 fee and copies of letters on September 25, 2009. It is noted that the evidence submitted bears a USPTO date stamp receipt of September 25, 2009. The date stamp on the letter would have rendered the reply timely if received[2]. Therefore, the present petition under 37 CFR 1.181 is **granted**.

[1] It is noted that October 31, 2009, was on a Saturday; therefore, the response was due on the next succeeding business day of Monday, November 2, 2009.

[2] The file record does not include the originally submitted papers

The holding of abandonment is hereby withdrawn and the above application is restored to pending status.

The reply of $195 submitted on May 18, 2010, will be accepted in place of the reply shown to have been filed on September 25, 2009.

In view of this decision, the $270 petition fees submitted on May 18, 2010 and May 26, 2010 are unnecessary and petitioner may request a refund. Also, petitioner submitted a $65 surcharge on May 26, 2010. Since this fee is also not necessary, petitioner may request a refund of fees totaling $605 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.

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

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

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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.
12/461,462	08/12/2009	Wilhelm A. Keller	099068-0106	2292

22428 7590 05/23/2011
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER
JANCA, ANDREW JOSEPH

ART UNIT	PAPER NUMBER
1774	

MAIL DATE	DELIVERY MODE
05/23/2011	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.

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

wk

Mailed: 5/23/11

In re application of	:	
Keller	:	DECISION ON
Serial No. 12/461,462	:	PETITION
Filed: August 12, 2009	:	
For: Coupling For Connecting A Capillary Tube To A Mixer		

This is a response to Applicants Petition filed on January 31, 2011 to enter the after-final amendment filed on November 18, 2010.

Applicants filed the Amendment in reply to the Final Rejection of September 10, 2010. Claims 1-7 are canceled and 8-21 are pending. Claim 8 is the only independent claim. The Amendment sought to address the 35 USC 112(2) rejection of claim 8 by removing the term "or mixer accessory" from "....for connection to the mixer ***or mixer accessory***....." The Examiner previously asserted in the Final Rejection that "mixer accessory" had insufficient antecedent basis.

Claim 9 was amended to further define the position of the retaining fins relative to the retaining portion. The claim language "remaining fins ***to retain the retaining portion inside a fastening piece"*** was added. Claims 18 and 21 were amended to remove the language "configured to engage" to "***for engagement***". Claim 11 was cancelled. The Examiner in the Advisory of December 1, 2010 refused entry of the amendment because the amendments raise new issues which would require further search and consideration.

Once a final rejection that is not premature has been entered in an application, Applicants no longer have any right to unrestricted further prosecution. This does not mean that no further amendment or argument will be considered. Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. An amendment touching the merits of the application may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

Removal of the term "or mixer accessory" from claim 8 would not require further search and consideration because the Examiner should have considered the "mixer" of claim 8. The amendment to claim 9 simplified the issues on Appeal by clarifying the structure of the retaining fins relative to the retaining portion.

DECISION

The Petition is **GRANTED**.

Serial Number: 12/461,462

The Examiner is directed to enter the amendment of November 18, 2010.

/Yvonne Eyler/
Director, Technology Center 1700
Chemical and Materials Engineering

George C. Beck
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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.
12/461,555	08/14/2009	Dong-Goo Kang	1911.1234	7061

7590 02/23/2011
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
THOMAS, COURTNEY D

ART UNIT	PAPER NUMBER
2882	

MAIL DATE	DELIVERY MODE
02/23/2011	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

FORM PTOM327-5 (Rev. 02/08)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

February 23, 2011

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

In re Application of	:	
Kang, Dong-Goo. et al	:	**DECISION ON PETITION**
Application No. 12/461,555	:	
Filed: 08/14/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 1911.1234	:	***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 14, 2009.

The petition is **GRANTED**.

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,571	08/17/2009	Erick S. DYKE	MJS-723-2605	1801

27562 7590 05/03/2011
NIXON & VANDERHYE, P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
PIERCE, DAMON JOSEPH

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
05/03/2011	PAPER

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

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

UNITED STATES 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 J. Shea
901 North Glebe Rd, 11 Floors
Arlington, VA 22203-1808

In re Application of:
DYKE et al. :
Appl. No.: 12/461,571 : DECISION ON PETITION
Filed: August 17, 2009 :
For: VIDEO GAME INCLUDING EFFECTS FOR PROVIDING DIFFERENT FIRST PERSON EXPERIENCES OF THE SAME VIDEO GAME WORLD AND A STORAGE MEDIUM STORING SOFTWARE FOR THE VIDEO GAME

This is a decision on the petition filed on August 17, 2009 by which petitioners request that the United States Patent and Trademark Office accept color drawings in the subject patent application.

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, yet the petition states two (2) sets of color drawings are provided, along with black and white photocopies that accurately depict, to the extent possible, the subject matter shown in the color drawings. However, three (3) sets of color drawings of figures are noted as follows: (1) 7A-7D, (2) 7E-7G, and (3) 9A-9B. The specification at page 4, paragraph 10 contains the required notification described above.

The petition is **GRANTED**

/Peter Vo/
SPE, 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

MAILED
MAR 06 2012
OFFICE OF PETITIONS

I. Zborovsky
3 Courtyard Circle
Centerport NY 11721

In re Application of	:	
Ronald Heller et al.	:	
Application No. 12/461,632	:	DECISION ON PETITION
Filed: August 19, 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 February 13, 2012.

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 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted in the above-identified certifications have been performed. Refer to Form No. PTO/SB/83 (Updated 4/2008).

The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request. 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.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,662	08/20/2009	Seong Yun Cho	PAN-0549-ET	1189

82727 7590 11/09/2011
Jae Y. Park
Kile Park Goekjian Reed & McManus PLLC
1200 New Hampshire Ave. NW, Suite 570
Washington, DC 20036

EXAMINER
CHENG, CHI TANG P

ART UNIT	PAPER NUMBER
2463	

NOTIFICATION DATE	DELIVERY MODE
11/09/2011	ELECTRONIC

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

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

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

info@kilepark.com
jpark@kilepark.com
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Jay Park
Kile, Goekjian, Reed & McManus, PLLC
1200 New Hampshire Ave.,NW
Suite 570
Washington DC 20036

In re Application of: Cho et al Application No. 12/461662 Filed: August 20, 2009 For: Device and Method for Arranging Access Point in Wireless Location	))))))))	**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 August 20, 2009, requesting acceptance of color 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, that color must be necessary to show the subject matter of applicant's application and 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."

Color is not necessary to show applicant's invention as various hatchings or shades of grey would work just as well.

Accordingly the petition is **Dismissed**.

/Tod Swann per direction of Derrick Ferris/

Derrick Ferris
Supervisory Patent Examiner
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,733	08/21/2009	Toru Takahashi	1761.1150	6430

21171 7590 07/22/2011
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
LEDYNH, BOT L

ART UNIT	PAPER NUMBER
2858	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Application No.: 12461733	:	
Filed: 08/21/2009	:	**DECISION ON PETITION**
Patent Number: 7,923,993	:	
Issue Date: 04/12/11	:	
Attorney Docket No. **1761.1150**	:	

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

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.
12/461,738	08/21/2009	Greg Donald West	P73210US0	2018

7590 11/03/2010
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER
GOTTLIEB, ELIZABETH C

ART UNIT	PAPER NUMBER
3676	

MAIL DATE	DELIVERY MODE
11/03/2010	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.

Mimi Harris

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ERIC M. DOWLING
PO BOX 669435
INTERLINK 731
MIAMI FL 33166

MAILED

AUG 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Fonseka, et al.	:	
Application No. 12/461,747	:	DECISION
Filed/Deposited: 24 August, 2009	:	
Attorney Docket No. AOFDMA.001DV1	:	

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

NOTE:

Petitioner—who also appears to be a co-inventor herein—indicates as his showing herein that he:

- Lives in Costa Rica and his mail-forwarding service failed to send the Office action to him;
- "[B]elieved all was well" after he received the Notice of Allowance and paid the Issue Fee; and
- Had other involvements that took him to California, Dallas and New York (in connection with his role as an expert witness in patent litigation), as well as to Europe.

It does not appear that Petitioner can satisfy the showing requirements envisioned in *Pratt*.[1]

It appears that Petitioner's only alternative is to file a petition averring unintentional delay pursuant to the regulations at 37 C.F.R. §1.137(b)—and satisfy the requirements thereof.

[1] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887))

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

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

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

As to Allegation of
Unavoidable Delay

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

Petitioner does not appear to have satisfied—and appears unable to satisfy—the showing requirements (as to unavoidable delay) under the Rule.

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

BACKGROUND

Following the Notice of Allowance and Fees Due, mailed on 25 January, 2011, Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (Notice of Allowance Mailed) from the Publications Branch and mailed on 3 March, 2011, with reply due under a non-extendable deadline on or before 3 May, 2011.

The application went abandoned by operation of law after midnight 3 May, 2011.

The Office mailed the Notice of Abandonment on 18 May, 2011.

On 16 August, 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(a), and a reply in the form of an amendment. Petitioner indicated that he:

- Lives in Costa Rica and his mail-forwarding service failed to send the Office action to him;

- "[B]elieved all was well" after he received the Notice of Allowance and paid the Issue Fee; and

- Had other involvements that took him to California, Dallas and New York—in connection with his role as an expert witness in patent litigation—as well as to Europe.

As noted above, it does not appear that Petitioner has made a showing of unavoidable delay and it appears that Petitioner may be incapable of doing so. Thus, Petitioner should submit a petition with fee and all proper replies pursuant to 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

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

Thus, it is noted that the guidance in the Commentary at MPEP §711.03(c)(II) for the showing required pursuant to 37 C.F.R. §1.137(a) provides in pertinent part:

***

...Unavoidable Delay

As discussed above, "unavoidable" delay is the epitome of "unintentional" delay. Thus, an intentional delay precludes revival under 37 C.F.R..§137(a) ("unavoidable" delay) or 37 C.F.R. §1.137(b) ("unintentional" delay). See Maldague, *10 USPQ2d at 1478.*

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.

In re Mattullath, *38 App. D.C. 497, 514-15 (1912)(quoting* Pratt, *1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also* Winkler v. Ladd, *221 F. Supp. 550, 552, 138 USPQ 666, 667-68 (D.D.C. 1963),* aff'd, *143 USPQ 172 (D.C. Cir. 1963);* Ex parte Henrich, *1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-*

case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, *671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable."* Haines v. Quigg, *673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).*

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

> *(A)the error was the cause of the delay at issue;*
>
> *(B)there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and*
> *(C)the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.*

See In re Egbers, *6 USPQ2d 1869, 1872 (Comm'r Pat. 1988),* rev'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, *10 USPQ2d 1787 (D.D.C. 1988);* In re Katrapat, *6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988). For example, where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP § 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address. The following do not constitute proper notification of a change in correspondence address:*

> *(A)the mere inclusion, in a paper filed in an application for another purpose, of an address differing from the previously provided correspondence address, without mention of the fact that an address change was being made;*
>
> *(B)the notification on a paper listing plural applications as being affected (except as provided for under the Customer Number practice - see MPEP § 403); or*
>
> *(C)the lack of notification, or belated notification, to the U.S. Patent and Trademark Office of the change in correspondence address.*

Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, *673 F. Supp. at 317, 5 USPQ2d at 1132;* Vincent v. Mossinghoff, *230 USPQ 621, 624 (D.D.C. 1985);* Smith v. Diamond, *209 USPQ 1091 (D.D.C. 1981);* Potter v. Dann, *201 USPQ 574 (D.D.C. 1978);* Ex parte Murray, *1891 Dec. Comm'r Pat. 130, 131 (1891). For example, as 37 C.F.R. 1.116 and 1.135(b) are manifest* that proceedings concerning an amendment after final rejection will not operate to avoid abandonment of the application in the absence of a timely and proper appeal, a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action.

Likewise, as a "reasonably prudent person" would file papers or fees in compliance with 37 C.F.R. §1.8 or §1.10 to ensure their timely filing in the USPTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant's failure to file papers or fees in compliance with 37 C.F.R. §1.8 and §1.10 does not constitute "unavoidable" delay. See *Krahn*, 15 USPQ2d at 1825. Finally, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985).

35 U.S.C. §133 and §151 each require a showing that the "delay" was "unavoidable," which requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay until the filing of a petition to revive. See *In re Application of Takao*, 17 USPQ2d 1155 (Comm'r Pat. 1990).

The burden of continuing the process of presenting a grantable petition in a timely manner likewise remains with the applicant until the applicant is informed that the petition is granted. *Id.* at 1158. Thus, an applicant seeking to revive an "unavoidably" abandoned application must cause a petition under 37 C.F.R. §1.137(a) to be filed without delay (i.e., promptly upon becoming notified, or otherwise becoming aware, of the abandonment of the application).

An applicant who fails to file a petition under 37 C.F.R. §1.137(a) "promptly" upon becoming notified, or otherwise becoming aware, of the abandonment of the application will not be able to show that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable. The removal of the language in 37 C.F.R. §1.137(a) requiring that any petition thereunder be "promptly filed after the applicant is notified of, or otherwise becomes aware of, the abandonment" should **not** be viewed as: (A) permitting an applicant, upon becoming notified, or otherwise becoming aware, of the abandonment of

> the application, to delay the filing of a petition under 37 C.F.R. §1.137(a); or (B) changing (or modifying) the result in *In re Application of S*, 8 USPQ2d 1630 (Comm'r Pat. 1988), in which a petition under 37 C.F.R. §1.137(a) was denied due to the applicant's deliberate deferral in filing a petition under 37 C.F.R. § 1.137. An applicant who deliberately chooses to delay the filing of a petition under 37 C.F.R. §1.137 (as in *Application of S*, 8 USPQ2d at 1632) will not be able to show that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(a)] was unavoidable" or even make an appropriate statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to [37 C.F.R. §1.137(b)] was unintentional."
>
> The dismissal or denial of a petition under 37 C.F.R. §1.137(a) does not preclude an applicant from obtaining relief pursuant to 37 C.F.R. 1. §137(b) on the basis of unintentional delay (unless the decision dismissing or denying the petition under 37 C.F.R. 1.137(a) indicates otherwise). In such an instance, a petition under 37 C.F.R. 1.137(b) may be filed accompanied by the fee set forth in 37 C.F.R. §1.17(m), the required reply, a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, and any terminal disclaimer required by 37 C.F.R. §1.137(c). Form PTO/SB/61 or PTO/SB/61PCT may be used to file a petition for revival of an unavoidably abandoned application.

***

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

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

---

[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).

STATUTES, REGULATIONS

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

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.[3]

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

As to Allegations of Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

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

CONCLUSION

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

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

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c and http://www.uspto.gov/web/forms/sb0064.pdf)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the proper reply, the petition fee, 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," and a terminal disclaimer and fee where appropriate. (The statement is in the form available online.)

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

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

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

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All
business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ERIC M. DOWLING
PO BOX 669435
INTERLINK 731
MIAMI FL 33166

MAILED

JAN 17 2012

OFFICE OF PETITIONS

In re Application of	:	
Fonseka, et al.	:	
Application No. 12/461,747	:	DECISION
Filed/Deposited: 24 August, 2009	:	
Attorney Docket No. AOFDMA.001DV1	:	

This is a decision on the petition filed on 3 October, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

NOTE:

The record indicates that the decision mailed to Petitioner on 26 August, 2011, was returned to the Office noted by the U.S. Postal Service as "VACANT – UNABLE TO FORWARD" on 6 September, 2011. However the address on the instant petition is as before, and is the address above.

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

As to the Allegations
of Unintentional Delay

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

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

BACKGROUND

Following the Notice of Allowance and Fees Due, mailed on 25 January, 2011, Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (Notice of Allowance Mailed) from the Publications Branch and mailed on 3 March, 2011, with reply due under a non-extendable deadline on or before 3 May, 2011.

The application went abandoned by operation of law after midnight 3 May, 2011.

The Office mailed the Notice of Abandonment on 18 May, 2011.

On 16 August, 2011, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(a), and a reply in the form of an amendment. Petitioner indicated that he:

- Lives in Costa Rica and his mail-forwarding service failed to send the Office action to him;
- "[B]elieved all was well" after he received the Notice of Allowance and paid the Issue Fee; and
- Had other involvements that took him to California, Dallas and New York—in connection with his role as an expert witness in patent litigation—as well as to Europe.

Petitioner failed to make a showing of unavoidable delay, and it was apparent that Petitioner was incapable of doing so. The petition was dismissed on 26 August, 2011.

On 3 October 2011, Petitioner filed a petition with fee, pursuant to 37 C.F.R. §1.137(b) pointed to previous replies and made the statement of unintentional delay.

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

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

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

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

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[4]

---

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

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

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

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

As to Allegations of
Unintentional Delay

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

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

CONCLUSION

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

The instant application is released to the Publications Branch to be processed into a patent in due course.

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however , that all practice before the Office is in writing (see: 37 C.F.R. §1.2[5]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

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[5] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attdance 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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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,766	08/24/2009	Noritake Ura	142149	6188

7590 11/21/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
DINH, THAI T

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
11/21/2011	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

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,948	08/28/2009	Jean-Noel Telles	111380.03	2971

7590 11/02/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
HUMPHREY, LOUISE WANG ZHIYING

ART UNIT	PAPER NUMBER
1648	

NOTIFICATION DATE	DELIVERY MODE
11/02/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,986	08/31/2009	Tatsushi Aiba	1254-0413PUS2	7534

2292 7590 10/18/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
ANDERSON, MATTHEW D

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
10/18/2010	ELECTRONIC

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

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

In re Application of AIBA, TATSUSHI et al. Application No. 12/461,986 Filed: August 31, 2009 Attorney Docket No. **1254-0413PUS2**	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 4, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,987	08/31/2009	Tatsushi Aiba	1254-0413PUS3	6572

2292 7590 10/18/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
10/18/2010	ELECTRONIC

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

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

In re Application of AIBA, TATSUSHI et al. Application No. 12/461,987 Filed: August 31, 2009 Attorney Docket No. **1254-0413PUS3**	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 4, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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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.
12/461,988	08/31/2009	Tatsushi Aiba	1254-0413PUS4	9207

2292 7590 09/14/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2472	

NOTIFICATION DATE	DELIVERY MODE
09/14/2010	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):

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

In re Application of: AIBA et al.
Application No. 12/461,988
Filed: August 31, 2009
For: COMMUNICATION APPARATUS AND COMMUNICATION METHOD

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

MAILED

SEP 1 9 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(d), filed August 04, 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 KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

In view of the revised claim correspondence table and Applicant's comments as well as the submission of the IDS reference in the decision on the original request, the renewed request to participate in the PPH program and petition are now found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O.BOX 8910
RESTON VA 20195

MAILED

AUG 12 2010

OFFICE OF PETITIONS

In re Application of
Frédéric Noo et al.
Application No. 12/462,000
Filed: August 31, 2009
Attorney Docket No. **32860-001632/US**

DECISION ON PETITION

This is a decision on the petition, filed June 7, 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 timely respond to the Notice to File Corrected Application Papers (Notice) of September 21, 2009, which set a two (2) month shortened statutory period for reply. A reply was due on or before November 23, 2009.

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 November 23, 2009 of, *inter alia* formal drawings. A copy of the previously submitted reply accompanies the petition.

The postcard receipt acknowledged as having been received in the USPTO on November 23, 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 response 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 November 23, 2009.

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 for appropriate action in the normal course of business on the reply received with petition.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/462,005	07/28/2009	Yves Pommier	E-247-2008/0-US-02	9280

89623 7590 04/09/2012
Cantor Colburn LLP - National Institutes of Health
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
PESELEV, ELLI

ART UNIT	PAPER NUMBER
1623	

NOTIFICATION DATE	DELIVERY MODE
04/09/2012	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):

usptopatentmail@cantorcolburn.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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April 6, 2012

Cantor Colburn LLP - National Institutes of Health
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
Yves Pommier et al.	:	**DECISION ON PETITION**
Application No. 12462005	:	
Filed: 07/28/2009	:	
Attorney Docket No. **E-247-2008/0-US-02**	:	

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) July 28, 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 inquiries 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

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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.
12/462,043	07/28/2009	Tomohito Terazawa	4041P-000132/US	7119

27572 7590 10/12/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
BEYEN, ZEWDU A

ART UNIT	PAPER NUMBER
2461	

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.

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OCT 11 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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Michael J. Schmidt
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of: TERAZAWA, T. et al.
Application No.: **12/462,043**
Filed: July 28, 2009
Attorney Docket No.: 4041P-000132/US
For: METHOD OF TRANSMITTING MODULATED SIGNALS MULTIPLEXED BY FREQUENCY DIVISION MULTIPLEXING AND PHYSICAL QUANTITY DETECTOR ...

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed **September 30, 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 requires:

(1) The U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. §120 to a PCT application) is:

(Case I) – is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO; or
(Case II) – is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO; or
(Case III) – is an application which shares a common priority document with the application filed in JPO; or
(Case IV) – and the JPO application are derived from/related to a PCT application having no priority.

Provisional applications, plant applications, design applications, reissue applications, reexamination proceedings, and applications subject to a secrecy order are excluded and not subject to participation in the PPH.

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) At least one claim was determined by JPO to be allowable/patentable. 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 the claims were published in a language other than English);
   c. A statement that the English translation is accurate; and
   d. If the JPO office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH program or in the transmittal letter accompanying the request for participation that no rejection has been made in the JPO office action regarding that claim, and therefore, the claim is deemed allowable by JPO;

(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). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond. and
   b. Submit a claim correspondence table in English indicating how all the claims in the U.S. application correspond to the allowable/patentable claims in the JPO Application(s). Dependent claims with addition limitations must be clearly identified in the claims correspondence table;

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

(5) The applicant must file a request for participation in the PPH program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) 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. The applicant must submit copies of any office actions (which are relevant to patentability) from the JPO application(s) issued after the grant of the request for participation in the PPH program in the USPTO (especially where JPO might have reversed a prior holding of allowability).

c. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and

d. A statement that the English translation is accurate;

(7) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and

b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

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

Accordingly, the petition is **GRANTED.**

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

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

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARY ELIZABETH BUSH
QUALLION LLC
P.O. BOX 923127
SYLMAR, CA 91392-3127

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of :
Lu Chow et al :
Application No. 12/462,070 : ON PETITION
Filed: July 28, 2009 :
Attorney Docket No. Q227-US5 :

This is a decision on the petition filed October 6, 2011 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee and Publication Fee in a timely manner in reply to the Notice of Allowance mailed April 25, 2011, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 26, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee and Publication Fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/16/11

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/462,074 Patent No. 7,754,221

CofC mailroom date 5/2/11

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: _____

/Zachariah Lucas/ — **SPE**

1648 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/462,111	07/29/2009	Shun Kurata	4041J-001599/US	7420

7590 08/24/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
JONES, MELVIN

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
08/24/2010	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/24/2010 NFARMER
07/31/2009 [illegible] 12462111
08 FC:1111 -540.00 CP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JEFFREY T. HALEY
13434 SE 27TH PLACE
BELLEVUE WA 98005

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Lanzafame, Philip F.	:	
Application No. 12/462,151	:	ON PETITION
Filed: July 30, 2009	:	
Attorney Docket No. 1211-10-3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, this application will be referred to Technology Center AU 3634 for examination on the merits.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARRIS BROTMAN - BROTMAN BIOSCIENCE PATENT LAW
SUITE 300
7911 HERSCHEL AVENUE
LA JOLLA, CA 92037

MAILED

AUG 04 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Dean Sbragia	:	
Application No. 12/462,162	:	
Filed: July 30, 2009	:	
Attorney Docket No. SBRAG 001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 24, 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 October 25, 2009. A Notice of Abandonment was mailed April 29, 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); 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. 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), the petition fee. The petition fee of $810 is deficient by $40. Effective October 2, 2008, certain Patent and Trademark Fees were increased, including the present petition fee. Therefore any fee amount paid on or after October 2, 2008 must be paid in the new fee amount. Accordingly, this application cannot be revived until the balance of $40 has been submitted.

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

By Internet: EFS-Web[1]

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

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

Carl Friedman
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
SEP 17 2010
OFFICE OF PETITIONS

HARRIS BROTMAN - BROTMAN BIOSCIENCE PATENT LAW
SUITE 300
7911 HERSCHEL AVENUE
LA JOLLA, CA 92037

In re Application of	:	
Dean Sbragia	:	
Application No. 12/462,162	:	ON PETITION
Filed: July 30, 2009	:	
Attorney Docket No. SBRAG 001	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to file a complete reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 24, 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 October 25, 2009. A Notice of Abandonment was mailed April 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings and independent claim fee of $110, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHARLES L HAWKINS
3097 ANDERSON ROAD
GREEN COVE SPRINGS FL 32043

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of	:	
Charles Lloyd Hawkins, Sr.	:	
Application No. 12/462,191	:	ON PETITION
Filed: July 31, 2009	:	
Title: Tie-Down	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 23, 2011, to revive the above-identified application.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704. No additional petition fee is required on renewed petition.

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

The instant petition lacks item (1), the required reply. The Amendment submitted with the petition lacks a signature.

Pursuant to 37 CFR 1.4(d), all papers filed in an application must contain a signature.

Accordingly, on renewed petition, petitioner must submit a signed Amendment.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

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

Dated: January 26, 2011 DKN
Electronic Signature for Daryl K. Neff: /Daryl K. Neff/

Docket No.: TIMI 3.0-101
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Haba et al.

Application No.: 12/462,208

Confirmation No.: 2745

Filed: July 30, 2009

Art Unit: 2812

For: MICROELECTRONIC SUBSTRATE OR ELEMENT HAVING CONDUCTIVE PADS AND METAL POSTS JOINED THERETO USING BOND LAYER

Examiner: J.J. Joy

PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102

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

Dear Sir:

Applicants, Belgacem Haba et al., by their attorneys, petition to make special the above-captioned application under the "Project Exchange / Patent Application Backlog Reduction Stimulus Plan." Special status is sought based upon the express abandonment of a Co-pending Application owned by the same party as this application.

1. This application, for which special status is sought, is a nonprovisional application that has an actual filing date earlier than October 1, 2009. This application is owned by Tessera Interconnect Materials, Inc., now and as of October 1, 2009. This application has not yet been taken up for examination.

2. Co-pending nonprovisional Application 11/897,200 has an actual filing date of August 29, 2007 which is earlier than October 1, 2009, and said Co-pending Application is complete under 37 CFR 1.53.

3. Said Co-pending Application is owned by the same party as this Application, Tessera Interconnect Materials, Inc., as of October 1, 2009.

4. A letter of express abandonment (Declaration of Express Abandonment under 37 CFR 1.138(a)) (attached hereto as Exhibit 1) has been filed in said Co-pending Application before it has been taken up for examination, in that no examiner action has yet been made as recorded in the USPTO PAIR database on the date said Declaration was filed. The Declaration of Express Abandonment states:

(a) Applicants have not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code;

(b) Applicants agree not to request a refund of any fees paid in the expressly abandoned application; and

(c) Applicants have not and will not file a new application that claims the same invention claimed in the expressly abandoned application, as defined by statutory double-patenting under 35 U.S.C. 101.

5. Applicants have not filed petitions in more than fourteen other applications requesting special status under this program.

6. Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of this application to be made special are directed to two or more independent or distinct inventions.

7. It is believed that no fee is due for this Petition under the Project Exchange program per 74 F.R. 227 (November 27, 2009). However, if any fee is due, please charge the Deposit Account No. 12-1095.

Dated: January 26, 2011

Respectfully submitted,

DKN

Electronic signature: /Daryl K. Neff/
Daryl K. Neff
Registration No.: 38,253
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicants

1335878_1.doc

EXHIBIT 1

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

Dated: January 26, 2011 DKN
Electronic Signature for Daryl K. Neff: /Daryl K. Neff/

Docket No.: TIMI 3.0-047 CONT CONT CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kotake et al.

Application No.: 11/897,200 Confirmation No.: 4125

Filed: August 29, 2007 Art Unit: 2818

For: STRUCTURE AND METHOD OF MAKING INTERCONNECT ELEMENT HAVING METAL TRACES EMBEDDED IN SURFACE OF DIELECTRIC

Examiner: B. C. Fox

DECLARATION OF EXPRESS ABANDONMENT UNDER 37 CFR 1.138 (a)

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

Dear Sir:

Applicants, Kotake et al., by their attorneys, files this declaration of express abandonment under 37 CFR 1.138(a). This Declaration of Express Abandonment is being filed under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan to secure special status for Co-Pending Application 12/462,208.

1. This declaration of express abandonment is being filed before the application has been taken up for examination.

2. Applicants have not and will not file an application that claims the benefit of this Application under any provision of title 35, United States Code;

3. Applicants agree not to request a refund of any fees paid in this Application; and

4. Applicants have not and will not file a new application that claims the same invention claimed in this Application, as defined by statutory double-patenting under 35 U.S.C. 101.

5. It is believed that no fee is due for this Petition. However, if any fee is due, please charge the Deposit Account No. 12-1095.

Dated: January 26, 2011

Respectfully submitted,
Electronic signature: /Daryl K. Neff/ DKN
Daryl K. Neff
Registration No.: 38,253
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicants

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TESSERA
LERNER DAVID et al.
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

FEB 02 2011

OFFICE OF PETITIONS

In re Application of :
HABA, et al. :
Application No. 12/462,208 :
Filed: July 30, 2009 :
Attorney Docket No. **TIMI 3.0-101** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed January 26, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

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

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

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

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

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DON B. FINKELSTEIN, ESQ.
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE, CA 90503

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of	:	
Herzer et al.	:	
Application No: 12/462,310	:	DECISION ON PETITION
Filed: August 3, 2009	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. PA5536	:	

This is a decision on the petition, filed October 29, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on August 24, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

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

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

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

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 24, 2011, accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center Art Unit 3783 for examination on the merits.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/462,310	08/03/2009	Bernardo J. Herzer	PA5536

CONFIRMATION NO. 6253

DON B. FINKELSTEIN, ESQ.
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE, CA 90503

NONPUBLICATION RESCISSION LETTER

OC000000044984828

Date Mailed: 12/16/2010

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

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

The projected publication date is 03/24/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

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

/atkelley/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DON B. FINKELSTEIN, ESQ.
LAW OFFICES OF DON FINKELSTEIN
SUITE 216
3858 CARSON STREET
TORRANCE CA 90503

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Bernardo J. Herzer, et al.	:	
Application No. 12/462,310	:	NOTICE
Filed: August 3, 2009	:	
Attorney Docket No. PA5536	:	

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

J.J. Stiffler
286 Delano Road
Marion, MA 02738

MAILED

MAR 14 2012

OFFICE OF PETITIONS

In re Application of Bum et al. :
Application No. 12/462,312 :
Filing Date: August 3, 2009 :
For: System-Directed Checkpointing :
Implementation Using a Hypervisor :
Layer :

Decision on Petition

This is a decision on the petition under 37 CFR 1.78(a)(6) filed February 1, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

As to item (1) above, the "amendment" as drafted is unacceptable and, therefore, is not considered a proper reference. Specifically, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(6).[1]

By Internet: A request for reconsideration may be filed electronically using EFS Web.[2] Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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

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

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).
[2] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

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

SEP 20 2011

OFFICE OF PETITIONS

J. V. MYERS & ASSOCIATES, PC
P.O. BOX 130
DRIFTWOOD TX 78619

In re Application of	:	
Shahriar Rokhsaz	:	
Application No. 12/462,331	:	DECISION GRANTING PETITION
Filed: August 1, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. JRF003	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 19, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 28, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/462,339	08/03/2009	Emiko Kamano	7232	6377

7590 11/22/2010

Emiko Kamano
4-6-33 Shibasaki-machi, Tachikawa-shi
Tokyo, 190-0023
JAPAN

EXAMINER

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
11/22/2010	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATE PIERCE & BAIRD
Post Office Box 520812
SALT LAKE CITY UT 84152-0812

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
SHANNON, Gregory et al.	:	
Application No. 12/462,368	:	DECISION ON PETITION
Filed: August 03, 2009	:	TO WITHDRAW
Attorney Docket No. 3508-2-1-3	:	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 07, 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 A. John Pate on behalf of all attorneys of record who are associated with customer No. 28049. All attorneys/agents associated with the Customer Number 28049 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Gregory Shannon 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: **GREGORY SHANNON**
5436 NORTH FIFFLE WAY
GARDEN CITY IDAHO 83714

UNITED STATES 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.

DEMONT & BREYER, LLC
100 COMMONS WAY, Ste. 250
HOLMDEL NJ 07733

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of	:	
William Carr	:	DECISION ON PETITION
Application No. 12/462,428	:	
Filed: August 5, 2009	:	
Atty Docket No. 213-017us	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 20, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice to File Corrected Application Papers mailed December 15, 2009. The Notice set a time limit for reply of two (2) months from the mail date of the Notice. This period was extendable under 37 CFR 1.136(a). No reply filed and no extension obtained, the above-identified application became abandoned on February 16, 2010. A courtesy Notice of Abandonment was mailed on September 15, 2010.

Petitioner has satisfied the requirements of 37 CFR 1.137(b). The petition includes the required reply in the form of replacement claims; the petition fee; and the required statement of unintentional delay.

The Office of Patent Application Processing has been advised of this decision. The application is thereby forwarded for processing of the response to the Notice to File Corrected Application Papers.

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

Nancy Johnson
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
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Paper No.

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

MAILED
MAY 20 2011
OFFICE OF PETITIONS

In re Application of :
Melsheimer et al. :
Application No. 12/462,438 :
Filed: August 3, 2009 :
Attorney Docket No. 8627-2523 :
(PA-5601-CON) :
Title: DELIVERY SYSTEM WITH :
HELICAL SHAFT :

LETTER REGARDING
PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed May 9, 2011. Applicants request that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from zero (0) days to fifty-two (52) days.

The request for reconsideration of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **fifty-two (52)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

A Notice of Allowance and Issue Fee Due was mailed on April 4, 2011, with an indication that the patent term adjustment to date was 0 days.

Applicants have disputed one period of delay: the 66-day reduction associated with the filing of a supplemental response on March 17, 2011. 37 CFR § 1.704(c)(8) indicates that the submission of a supplemental reply, other than a supplemental reply expressly requested by the examiner, after a reply has been filed, will result in a period of adjustment set forth in

§ 1.703, and the reduction will constitute the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

A non-final Office action was mailed on November 24, 2010, and a response was received on January 10, 2011. A supplemental response was subsequently received on March 17, 2011, which resulted in a reduction of 66 days, pursuant to 37 CFR § 1.704(c)(8). Applicants have asserted that this reduction was improper, as "…the Examiner requested that Applicant submit an identical supplemental reply to correct the printing error."[1] It is noted that the Examiner mailed an Interview Summary on March 21, 2011, which confirms that "a supplemental copy of the claims" was requested by the Examiner.

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.[2]

Applicants' argument has been considered and has been found to be persuasive.

The reduction of 66 days has been removed, and a reduction of 0 days has been entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is fifty-two (52) days (52 days of Office delay minus 0 days of Applicant delay).

The $200.00 fee set forth in 37 CFR 1.18(e) will be charged to Deposit Account No. 23-1925 in due course, as authorized on the second page of this petition. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

---

[1] Petition, page 2.
[2] Id.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen

PTA/PTE Information | Patent Term Adjustment | Patent Term Extension

Application Number*: 12462438 Search | Explanation of PTA Calculation | Explanation of PTE Calculation

PTA Calculations for Application: 12462438

Application Filing Date	08/03/2009	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	52
A Delays	52	PTO Manual Adjustment	66
B Delays	0	Applicant Delay (APPL)	66
C Delays	0	Total PTA (days)	52

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
33	05/18/2011		P028	Adjustment of PTA Calculation by PTO	66		0
29	04/04/2011		MN/=.	Mail Notice of Allowance			0
28	04/01/2011		IREV	Issue Revision Completed			0
27	04/01/2011		N/=.	Notice of Allowance Data Verification Completed			0
26	04/01/2011		DVER	Document Verification			0
25	04/01/2011		EX.A	Examiner's Amendment Communication			0
24	03/28/2011		CNTA	Allowability Notice			0
20	03/21/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
19	03/20/2011		FWDX	Date Forwarded to Examiner			0
18	03/17/2011	01/10/2011	SA..	Supplemental Response		66	15
17	03/17/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
16	01/13/2011		FWDX	Date Forwarded to Examiner			0
15	01/10/2011		A...	Response after Non-Final Action			0
14	11/24/2010	10/03/2010	MCTNF	Mail Non-Final Rejection	52		0.5
13	11/22/2010		CTNF	Non-Final Rejection			0
11	08/25/2010		DOCK	Case Docketed to Examiner in GAU			0
10	12/03/2009		PG-ISSUE	PG-Pub Issue Notification			0
7	08/27/2009		PA..	Change in Power of Attorney (May Include Associate POA)			0
6	08/27/2009		OIPE	Application Dispatched from OIPE			0
5	08/27/2009		FLRCPT.O	Filing Receipt			0
4	08/12/2009		L194	Cleared by OIPE CSR			0
2	08/10/2009		SCAN	IFW Scan & PACR Auto Security Review			0
1	08/05/2009		IEXX	Initial Exam Team nn			0
12	08/03/2009		IDSC	Information Disclosure Statement considered			0
9	08/03/2009		RCAP	Reference capture on IDS			0
8	08/03/2009		M844	Information Disclosure Statement (IDS) Filed			0
3	08/03/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
0.5	08/03/2009		EFILE	Filing date			0

Export to: Excel

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

ALBERT O COTA
5460 WHITE OAK AVE
SUITE A-331
ENCINO, CA 91316

MAILED
JAN 3 1 2011
OFFICE OF PETITIONS

In re Application of
Chol Kwi Rim
Application No. 12/462,451
Filed: August 4, 2009
Attorney Docket No. 09PLI 1613

ON PETITION

This is a decision on the petition, filed December 28, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. Petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

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. No additional petition fee is required.

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 concerning this decision should be directed to April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
FEB 25 2011
OFFICE OF PETITIONS

ALBERT O COTA
5460 WHITE OAK AVE
SUITE A-331
ENCINO CA 91316

In re Application of
Chol Kwi Rim
Application No. 12/462,451
Filed: august 4, 2009
Attorney Docket No. 09PLI 1613

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition, filed February 8, 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 August 4, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

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

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

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

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

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/462,451	08/04/2009	Chol Kwi Rim	09PLI 1613

CONFIRMATION NO. 6502

NONPUBLICATION RESCISSION LETTER

24984
ALBERT O COTA
5460 WHITE OAK AVE
SUITE A-331
ENCINO, CA 91316

OC000000046149899

Date Mailed: 02/24/2011

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

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

The projected publication date is 06/02/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

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

/amwise/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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	:	
HWANG	:	
Application No. 12/462,461	:	DECISION ON PETITION
Filed: August 4, 2009	:	TO WITHDRAW
Attorney Docket No. 6342/80724	:	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: BOO-SUNG HWANG
402 NEW SUN-KYUNG PLAZA
146-1LMAE 2 DONG, BUN-DANG GU
SEONG-NAM SI KYUNG-KI DO 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
12/462,461	08/04/2009	Boo-Sung Hwang	6342/80724

CONFIRMATION NO. 4782

POWER OF ATTORNEY NOTICE

23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK, NY 10112

OC000000048883742

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED

JUN 02 2011

PCT LEGAL ADMINISTRATION

SHLESINGER, ARKWRIGHT & GARVEY LLP
5845 Richmond Highway, Suite 415
ALEXANDRIA VA 22303

In re Application of	:	
OLIN-NUNEZ, Miguel A.	:	DECISION ON
Application No.: 12/462,500	:	
Filing Date: 05 August 2009	:	PETITION
Attorney Docket No.: 7703	:	
For: METHOD AND BURNER FOR BURNING SOLID FUELS	:	UNDER 37 CFR 1.137(b)

Applicant's petition under 37 C.F.R. 1.137(b), filed in the United States Patent and Trademark Office on 05 August 2009 is **GRANTED**.

BACKGROUND

On 05 August 2010, applicant filed, *inter alia,* a continuation application accompanied by this petition.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) 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, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate petition fee has been paid. A proper response in the form of a continuing application under 35 U.S.C. 111(a) has 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.

CONCLUSION

The petition to revive international application PCT/MX2006/000094 abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America for purposes of continuity only and since continuity has been established by this decision reviving

the international application, the international application is again abandoned in favor of the present continuing application number 12/462,500.

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

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.
12/462,554	08/04/2009	Chaitan Khosla	STAN-258CON5	4150

77974 7590 03/06/2012
Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto, CA 94303

EXAMINER
AUDET, MAURY A

ART UNIT	PAPER NUMBER
1654	

MAIL DATE	DELIVERY MODE
03/06/2012	PAPER

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

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

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

March 6, 2012

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

In re Application of	:	
KHOSLA,CHAITAN et al	:	**DECISION ON PETITION**
Application No. 12/462,554	:	
Filed: 08/04/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No.STAN-258CON5	:	***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 04, 2009.

The petition is **GRANTED**.

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

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

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

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/462,564	08/05/2009	Kei Kajiya	4041J-001603/US	6345

27572 7590 10/24/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
10/24/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
KAJIYA, KEI 1	:	DECISION ON REQUEST TO
Application No. 12/462,564	:	PARTICIPATE IN PATENT
Filed: August 05, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 4041J-001603/US	:	PROGRAM AND PETITION
For: AIR CONDITIONER 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 17, 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 Steven McAllister, SPE of Art Unit 3749, and 571-272-6785 for Class 454 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

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.
12/462,574	08/05/2009	Jeffery J. Kacines	JKAC-0100US	5186

31782 7590 11/08/2010
Handley Law Firm, PLLC
Roger N. Chauza, PC
PO BOX 140036
IRVING, TX 75014

EXAMINER
STERLING, AMY JO

ART UNIT	PAPER NUMBER
3632	

MAIL DATE	DELIVERY MODE
11/08/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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NOV - 8 2010

DAVID WAYNE WRIGHT
955 CAROLINA STREET
SAN FRANCISCO CA 94107

In re Application of	:	
Jeffery KACINES	:	DECISION ON PETITION
Application No.: 12/462,574	:	TO WITHDRAW THE
Filed: August 05, 2009	:	RESTRICTION REQUIREMENT
For: ORNAMENTAL HANGER FOR ITEMS	:	UNDER 37 CFR 1.181

This is in response to applicant's petition under 37 CFR 1.181 filed September 7, 2010 requesting withdrawal of the restriction requirements made in the Office action dated March 1, 2010.

The petition is **GRANTED**.

The record shows that the examiner mailed a restriction requirement on March 1, 2010 between Group I in claims 1-15 drawn to an ornamental hanger, and Group II in claims 16-18 drawn to a method of making an ornamental hanger. A further species election was required for species I of figures 1-4, and species II of figure 5. Applicant filed a response on March 31, 2010 electing with traverse Group I in claims 1-15 and species I of figures 1-4. The traversal was that since the claims of both Group I and Group II have similar limitations, they are not patentably distinct. Both Groups should be in the same classification, require the same field of search, and the same prior art should be applicable thereto. A non-final Office action was mailed on June 2, 2010 holding the restriction requirement final, and rejecting all of the non-elected claims 1-15. Claims 16-18 were withdrawn as being drawn to the non-elected invention.

Applicant timely filed the instant petition to withdraw the restriction requirement. The same traversal grounds were presented in the petition: Since the claims of both Group I and Group II have similar limitations, they are not patentably distinct. Both Groups should be placed in the same classification, require the same field of search, and the same prior art should be applicable thereto. Applicant further argues that the examiner's rationale for distinctness was improper in that the placement of the ballast in the device in a particular step of a claim is irrelevant, when the sequence of the method steps is not specified to occur in any special manner.

MPEP § 803 sets forth the criteria for restriction between patentably distinct inventions as follows:
(A) The inventions must be independent or distinct as claimed; and
(B) There would be a serious burden on the examiner if restriction is not required

MPEP § 806 states that "Where inventions are related as disclosed but are not distinct as claimed, restriction is never proper."

A review of the independent claims 1, 11 and 16 shows that they all claim the same features: a stuffed figure, a deformable ballast weight in the bottom portion of the figure, an anti-skid material on the bottom surface of the figure, and a hanger fastened to the bottom of the figure. It is clear that the claimed subject matter of Group I in claims 1-15 is not distinct from the claimed subject matter of Group II in claims 16-18 and the search would be the same for both Groups. There is no examination burden for searching these two Groups. Therefor, the restriction requirement between the product of Group I and the method of making of Group II was improper and is hereby withdrawn.

The application will be forwarded to the examiner for consideration of all pending claims 1-6, 8-12, 14-18 as presented in the amendment filed on September 7, 2010.

Any question concerning this decision should be referred to Quality Assurance Specialist Lanna Mai on (571) 272-6867.

Katherine Matecki

Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5250

lm: 10/25/2010
LM

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Alexandria, VA 22313-1450
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MICHAEL BEST & FRIEDRICH LLP (CHI)
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE SUITE 2000
CHICAGO IL 60601

MAILED
APR 06 2012
OFFICE OF PETITIONS

In re Application of	:	
Elizabeth M. Andrews	:	
Application No. 12/462,585	:	ON PETITION
Filed: August 5, 2009	:	
Attorney Docket No. 030321-9008	:	

This is in response to petition to revive under 37 CFR 1.137(b), filed March 14, 2012.

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

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed May 11, 2011, which set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on August 12, 2011. The Office mailed a Notice of Abandonment on January 10, 2012.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an RCE.

The application is being forwarded to Group Art Unit 3765 for consideration of the RCE, filed March 14, 2012.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Francella Henderson

Application No. 12462593

Filed: August 5,2009

Attorney Docket No. 09-18102

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

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAR-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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 1, 2011

TO SPE OF : ART UNIT 2456 SPE Rupal Dharia .

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/462,600 Patent No.: RE42 ,153 E

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Should the word "tangible" be corrected to read "non-transitory" as requested by applicant?
See COCIN dated 7-22-2011

Antonio Johnson

Certificates of Correction Branch
(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____ **SPE** _____ **Art Unit** 2456

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

LRK PATENT LAW FIRM
1952 GALLOWS RD
SUITE 200
VIENNA VA 22182

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Cho, et al.	:	ON PETITION
Application No. 12/462,630	:	
Filed: August 6, 2009	:	
Attorney Docket Number: P10231US	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed August 6, 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 necessary for an understanding of the invention. In particular, the color drawings at issue are merely illustrative examples.

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 2858.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Jose Dees
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
AUG 11 2011
OFFICE OF PETITIONS

YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

In re Patent No. 7,903,367	: DECISION DISMISSING PETITION
Issue Date: 03/08/2011	: UNDER 37 CFR 1.78(a)(3)
Application Number: 12/462,650	:
Filing or 371(c) Date: 08/07/2009	:
Attorney Docket Number: 8051-1058	:

This is a decision on the petition, filed June 10, 2011 which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 11/598,181 by way of a certificate of correction.

The petition is **DISMISSED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional applications was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed August 7, 2009. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition must be dismissed because the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) has not be properly supplied. A Certificate of Correction is not a proper reference. Pursuant to 37 CFR 1.78(a)(2)(iii) the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title.

More to this point, the request to amend the priority data contained on the first and second pages of the petition is not a proper amendment as drafted and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(5)(i). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an supplemental Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Receipt of the $1,410.00 surcharge, as well as the $100.00 certificate of correction fee, is acknowledged.

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

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

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

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

A reply may also be filed via EFS-Web.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Patent No. 7,903,367	: DECISION GRANTING PETITION
Issue Date: 03/08/2011	: UNDER 37 CFR 1.78(a)(3)
Application Number: 12/462,650	:
Filing or 371(c) Date: 08/07/2009	:
Attorney Docket Number: 8051-1058	:

This is a decision on the renewed petition, filed on October 12, 2011 which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 11/598,181 by way of a certificate of correction.

The petition is **GRANTED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional applications was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed August 7, 2009. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

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

Receipt of the $1,410.00 surcharge, as well as the $100.00 certificate of correction fee, is acknowledged.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3231.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/462,650	08/07/2009	2627	1390	8051-1058	5	1

CONFIRMATION NO. 9013

CORRECTED FILING RECEIPT

466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

OC000000049145327

Date Mailed: 10/25/2011

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

Applicant(s)

Boyd Norvell Shelton, North Ogden, UT;

Power of Attorney: The patent practitioners associated with Customer Number 00466

Domestic Priority data as claimed by applicant

This application is a CON of 11/598,181 11/13/2006 PAT 7,688,541

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: 08/25/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/462,650**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

APPARATUS, SYSTEM, AND METHOD FOR REPEATABLE RUNOUT CANCELLATION

Preliminary Class

360

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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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).

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/462,681	Filing date:	August 7, 2009
First Named Inventor:	Telwar		
Title of the Invention:	DUAL SIDED COSMETICS BRUSHES		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

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

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

The corresponding PCT application number(s) is/are: PCT/US2009/004449

The international filing date of the corresponding PCT application(s) is/are: August 3, 2009

I. List of Required Documents:

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

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

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

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

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

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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 PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/462,681
First Named Inventor:	Xu

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on July 9, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on July 9, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claims 1 - 18	Claims 1 - 18	Claims directly correspond subsequent to preliminary amendment filed on 4/22/2011

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

Signature	Date April 22, 2011
Name (Print/Typed) Stephanie N. Chu	Registration Number 62.363

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

CHU, Stephanie N.

Alston & Bird LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000

Petition to Make Special under PCT-Patent Pros Hwy
Application No. 12/462,681
Filing Date: August 7, 2009
Support for Item (1.a.) A copy of latest international work product

IFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing *(day/month/year)* 14 DECEMBER 2010 (14.12.2010)

Applicant's or agent's file reference
57100/389240

IMPORTANT NOTIFICATION

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2009/004449	**03 AUGUST 2009 (03.08.2009)**	12 AUGUST 2008 (12.08.2008)

Applicant

ANISA INTERNATIONAL, INC. et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Atricle 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro,
Seo-gu, Daejeon 302-701, Republic of Korea
Facsimile No. 82-42-472-7140

Authorized officer
COMMISSIONER
Telephone No. 82-42-481-5208

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Artcle 36 and Rule 70)

Applicant's or agent's file reference 57100/389240	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. **PCT/US2009/004449**	International filing date*(day/month/year)* **03 AUGUST 2009 (03.08.2009)**	Priority date *(day/month/year)* 12 AUGUST 2008 (12.08.2008)
International Patent Classification (IPC) or national classification and IPC ***A45D 33/00(2006.01)i, A45D 40/00(2006.01)i***		
Applicant **ANISA INTERNATIONAL, INC. et al**		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:
      - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:
   - ☒ Box No. I Basis of the report
   - ☐ Box No. II Priority
   - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV Lack of unity of invention
   - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI Certain documents cited
   - ☐ Box No. VII Certain defects in the international application
   - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demamd **22 JUNE 2010 (22.06.2010)**	Date of completion of this report 13 DECEMBER 2010 (13.12.2010)
Name and mailing address of the IPEA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer Choi, Bong Don Telephone No. 82-42-481-8166

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2009/004449

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of:
   - ☐ international search (under Rules 12.3(a) and 23.1(b)).
   - ☐ publication of the international application (under Rule 12.4(a)).
   - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a)).

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

   ☐ the international application as originally filed/furnished

   ☒ the description:
   pages 1-4 as originally filed/furnished
   pages* _____ received by this Authority on _____
   pages* _____ received by this Authority on _____

   ☒ the claims:
   pages _____ as originally filed/furnished
   pages* _____ as amended (together with any statment) under Article 19
   pages* 5,6,6/1 received by this Authority on 22 June 2010
   pages* _____ received by this Authority on _____

   ☒ the drawings:
   pages 1/1 as originally filed/furnished
   pages* _____ received by this Authority on _____
   pages* _____ received by this Authority on _____

   ☐ the sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:
   - ☐ the description, pages _____
   - ☐ the claims, Nos. _____
   - ☐ the drawings, sheets _____
   - ☐ the sequence listing *(specify)* : _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-bis)):
   - ☐ the description, pages _____
   - ☐ the claims, Nos. _____
   - ☐ the drawings, sheets _____
   - ☐ the sequence listing *(specify)*: _____

5. ☐ This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule70.2(e)).

6. ☐ This report has been established taking into consideration the arguments and/or comments of the applicant on the written opinion of the International Searching Authority, received by this Authority on _____

7. ☐ Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45*bis*.8(b) and (c)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2009/004449

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-19	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-19	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims	NONE	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: JP 2006-075329 A (SHISEIDO CO., LTD.) 23 March 2006
D2: US 2008-0141479 A1 (MINK, JEFFREY) 19 June 2008
D3: US 2007-0177930 A1 (BYUN, YOUNG-CHUL) 02 August 2007
D4: US 2002-0078902 A1 (EHRMANN, DOUGLAS G.) 27 June 2002

1. Novelty and Inventive Step

Claims 1 and 10

D1 is regarded as the closest prior art to the subject matter of claims 1 and 10. The subject matter of claims 1 and 10 differs from these prior art documents D1-D4 in that the bristles include a divide extending across the head between the first set of bristles and the second set of bristles. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claims 1 and 10 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-9 and 11-18

Claims 2-9 and 11-18 are dependent on claim 1 or claim 10 and therefore meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claim 19

Claim 19 satisfies the criteria set out in PCT Article 33(2)-(3), because the prior art documents D1-D4 do not disclose or suggest a brush comprising two sets of bristles with different colors.

2. Industrial Applicability

Claims 1-19 are industrially applicable under PCT Article 33(4).

CLAIMS

1. A brush comprising a handle and a generally circular head, wherein the head comprises bristles extending endways from an end of the handle, the bristles including: a first set of bristles having a first set of properties; a second set of bristles adjacent to the first set of bristles having a second set of properties; and a divide extending across the generally circular head between the first set of bristles and the second set of bristles.

2. A brush according to claim 1, wherein the first set of bristles is larger than the second set of bristles.

3. A brush according to claim 1, wherein the first set of bristles is the same shape and size as the second set of bristles. .

4. A brush according to claim 3, wherein the shape of each of the first set of bristles and the second set of bristles is generally semicircular.

5. A brush according to claim 1, wherein the first set of bristles has a first stiffness and the second set of bristles has a second stiffness.

6. A brush according to claim 5, wherein the first set of bristles is comprised of bristles with a first thickness and the second set of bristles is comprised of bristles with a second thickness.

7. A brush according to claim 1, wherein the first set of bristles is comprised of a first type of material and the second set of bristles is comprised of a second type of material.

8. A brush according to claim 7, wherein the bristles of the first set of bristles are comprised of a natural material and the bristles of the second set of bristles are of a synthetic material.

9. A brush according to claim 1, wherein the first set of bristles is a first color and the second set of bristles is a second color, and wherein at least one of said first color and said second color is a result of a coloring process.

AMENDED SHEET (ART. 34)

10. A brush head comprising a first side and a second side of bristles extending in the same general direction from a ferrule, and a divide extending across the brush head between the first side and the second side of bristles, wherein the bristles extending from the first side have a first set of properties and the bristles extending from the second side have a second set of properties, and wherein the brush head is generally circular.

11. A brush head according to claim 10, wherein the first side is larger than the second side.

12. A brush head according to claim 10, wherein the first side and the second side are each generally semicircular .

13. A brush head according to claim 12, wherein the end opposite the ferrule is broadly rounded.

14. A brush head according to claim 10, wherein the bristles extending from the first side of the head are stiffer than the bristles extending from the second side.

15. A brush head according to claim 14, wherein the bristles extending from the first side have a first thickness and the bristles extending from the second side have a second thickness.

16. A brush head according to claim 10, wherein the bristles extending from the first side are of a first material and the bristles extending from the second side are of a second material, wherein the first material has a greater affinity for a cosmetic than the second material.

17. A brush head according to claim 16, wherein the bristles extending from the first side are of a natural material and the bristles extending from the second side are of a synthetic material.

18. A brush head according to claim 10, wherein the bristles extending from the first side are a first color and the bristles extending from the second side are a second color, wherein at least one of said first color and said second color is a result of a coloring process.

19. (New) A brush head comprising a ferrule and a set of bristles extending in the same general direction from a first side and a second side of the brush head, wherein the second side is adjacent to the first side, and wherein the bristles extending from the first side are a first color and the bristles extending from the second side are a second color, wherein at least one of the first color and the second color is a result of a coloring process.

AMENDED SHEET(ART. 34)

Petition to Make Special under PCT-Patent Pros Hwy
Application No.: 12/462,681
Filing Date: August 7, 2009
Inventor: Telwar
Title: Dual Sided Cosmetic Brush
Support for Item (1.b.) A copy of all Claims from PCT Application

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1. A brush comprising a handle and a generally circular head, wherein the head comprises bristles extending endways from an end of the handle, the bristles including: a first set of bristles having a first set of properties; a second set of bristles adjacent to the first set of bristles having a second set of properties; and a divide extending across the generally circular head between the first set of bristles and the second set of bristles .

2. A brush according to claim 1, wherein the first set of bristles is larger than the second set of bristles.

3. A brush according to claim 1, wherein the first set of bristles is the same shape and size as the second set of bristles. .

4. A brush according to claim 3, wherein the shape of each of the first set of bristles and the second set of bristles is generally semicircular.

5. A brush according to claim 1, wherein the first set of bristles has a first stiffness and the second set of bristles has a second stiffness.

6. A brush according to claim 5, wherein the first set of bristles is comprised of bristles with a first thickness and the second set of bristles is comprised of bristles with a second thickness.

7. A brush according to claim 1, wherein the first set of bristles is comprised of a first type of material and the second set of bristles is comprised of a second type of material.

8. A brush according to claim 7, wherein the bristles of the first set of bristles are comprised of a natural material and the bristles of the second set of bristles are of a synthetic material.

9. A brush according to claim 1, wherein the first set of bristles is a first color and the second set of bristles is a second color, and wherein at least one of said first color and said second color is a result of a coloring process.

10. A brush head comprising a first side and a second side of bristles extending in the same general direction from a ferrule, and a divide extending across the brush head between the first side and the second side of bristles, wherein the bristles extending from the first side have a first set of properties and the bristles extending from the second side have a second set of properties, and wherein the brush head is generally circular.

11. A brush head according to claim 10, wherein the first side is larger than the second side.

12. A brush head according to claim 10, wherein the first side and the second side are each generally semicircular .

13. A brush head according to claim 12, wherein the end opposite the ferrule is broadly rounded.

14. A brush head according to claim 10, wherein the bristles extending from the first side of the head are stiffer than the bristles extending from the second side.

15. A brush head according to claim 14, wherein the bristles extending from the first side have a first thickness and the bristles extending from the second side have a second thickness.

16. A brush head according to claim 10, wherein the bristles extending from the first side are of a first material and the bristles extending from the second side are of a second material, wherein the first material has a greater affinity for a cosmetic than the second material.

17. A brush head according to claim 16, wherein the bristles extending from the first side are of a natural material and the bristles extending from the second side are of a synthetic material.

18. A brush head according to claim 10, wherein the bristles extending from the first side are a first color and the bristles extending from the second side are a second

color, wherein at least one of said first color and said second color is a result of a coloring process.

19. (New) A brush head comprising a ferrule and a set of bristles extending in the same general direction from a first side and a second side of the brush head, wherein the second side is adjacent to the first side, and wherein the bristles extending from the first side are a first color and the bristles extending from the second side are a second color, wherein at least one of the first color and the second color is a result of a coloring process.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/462,681	08/07/2009	Anisa Telwar	057100/389239	9023

826 7590 04/26/2011
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER
CHIN, RANDALL E

ART UNIT	PAPER NUMBER
3723	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of	:
TELWAR, ANISA	: DECISION ON REQUEST TO
Application No. 12/462,681	: PARTICIPATE IN PATENT
Filed: Aug. 7, 2009	: PCT/PROSECUTION HIGHWAY
Attorney Docket No. 057100/389239	: PROGRAM AND PETITION
Title: DUAL SIDED COSMETICS BRUSH	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 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 disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

Other inquiries concerning the examination or status of the application should be directed to Joe Hail, the SPE of Art Unit 3723 at 571-272-4485 for Class 15/160 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK TERRY, ESQ.
801 BRICKELL AVE., SUITE 900
Miami FL 33131

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Bertram V. BURKE	:	
Application No. 12/462,691	:	DECISION ON PETITION
Filed: August 08, 2009	:	
Attorney Docket No. 1357-10DIV2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 01, 2010.

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 August 27, 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 October 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement claims, abstract and required fees, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of August 27, 2009 is accepted as having been unintentionally delayed.

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

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

Michelle R. Eason
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.
12/462,706	08/07/2009	Takayuki Kimura	4041P-000134/US	4227

27572 7590 10/25/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
COLEMAN, STEPHEN

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
10/25/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of
Takayuki KIMURA
Application No.: 12/462,706
Filed: 07 August 2009
Attorney Docket No.: 4041P-000134/US
For: EXPOSURE DETERMINING DEVICE AND IMAGE PROCESSING APPARATUS

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 03 October 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Clarence H. Falstad
Walters Gardens, Inc.
1992-96th Avenue
PO Box 137
Zeeland MI 49464-0137

JAN 3 1 2011

In re Application of
HURD, KEVIN A. :
Application No.: 12/462,743 : DECISION ON
Filing or 371(c) Date: August 7, 2009 : PETITION
Attorney Docket Number: DIAAS1.1 :

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on November 9, 2010.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed July 22, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on November 5, 2010.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PJ GLUCK ESQ
26892 PRECIADOS
MISSION VIEJO CA 92691

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Application of	:	
Vincent A. Dimella	:	
Application No. 12/462,792	:	ON PETITION
Filed: August 7, 2009	:	
Attorney Docket No. STIFORPE.005	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 31, 2011.

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

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Missing Parts, mailed August 26, 2009. This Notice set an extendable period for reply of two (2) months for applicant to submit replacement drawings, the statutory basic filing fee, search fee, and examination fee, and an oath or declaration, together with the surcharge for its late filing. No reply having been received, the application became abandoned on October 27, 2009. The Office mailed a Notice of Abandonment on April 29, 2010.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of replacement drawings, the required filing fees, and a declaration and surcharge.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff

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

November 25, 2011

NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

In re Application of	:	
Thomas Buch-Rasmussen et al.	:	**DECISION ON PETITION**
Application No. 12462794	:	
Filed: 8/7/2009	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 5866.220-US	:	***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 7, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DENTSPLY
INTERNATIONAL INC
570 WEST COLLEGE AVENUE
YORK PA 17404

MAILED
APR 02 2012
OFFICE OF PETITIONS

In re Application of

Primus, et al. :

Application No. 12/462,826

: DECISION ON PETITION

Filed: August 10, 2009

:

Attorney Docket No. **TUL-181-CON2**

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to non-final Office action mailed June 9, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on September 10, 2010. A Notice of Abandonment was mailed on February 16, 2011.

The amendment filed March 9, 2012, is noted.

The application is being forwarded to Technology Center GAU 1612 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

AUG 27 2010

OFFICE OF PETITIONS

RICHARD R. MUCCINO
758 SPRINGFIELD AVENUE
SUMMIT NJ 07901

In re Application of	:	
Gilbert BUCHALTER	:	
Application No. 12/462,852	:	DECISION ON PETITION
Filed: August 11, 2009	:	TO WITHDRAW
Attorney Docket No. PI1.004		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 23, 2010.

The request is **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 37 CFR 10.40(c).

The request cannot be approved because the attorney of record was not appointed through use of a Customer Number, as indicated. The attorney was appointed by being named as an individual.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: GILBERT BUCHALTER
PHARMACEUTICAL INNOVATIONS,
897 FRELINGHUSEN AVENUE
NEWARK NJ 07114

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

OCT 18 2010

OFFICE OF PETITIONS

RICHARD R. MUCCINO
758 SPRINGFIELD AVENUE
SUMMIT NJ 07901

In re Application of	:	
Gilbert BUCHALTER	:	
Application No. 12/462,852	:	DECISION ON PETITION
Filed: August 11, 2009	:	TO WITHDRAW
Attorney Docket No. PI1-004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 27, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Richard R. Muccino the sole attorney of record.

Richard R. Muccino has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: GILBERT BUCHALTER
PHARMACEUTICAL INNOVATIONS,
897 FRELINGHUSEN AVENUE
NEWARK, NJ 07114

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/462,852	08/11/2009	Gilbert Buchalter	PI1-004

CONFIRMATION NO. 5681

POWER OF ATTORNEY NOTICE

41606
RICHARD R. MUCCINO
758 SPRINGFIELD AVENUE
SUMMIT, NJ 07901

OC000000043978167

Date Mailed: 10/13/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/27/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 5, 2012

In re Application of :

Nirali Patel

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12462858

Filed : 10-Aug-2009

Attorney Docket No : 26786-574001 US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 5, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 3733 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12462858
Filing Date	10-Aug-2009
First Named Inventor	Nirali Patel
Art Unit	3733
Examiner Name	STUART BRAY
Attorney Docket Number	26786-574001 US
Title	SPINOUS PROCESS DEVICE AND METHOD OF USE

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 2012.04.06

☐ 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	/Michael R. Shevlin/
Name	Michael R Shevlin
Registration Number	38724

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

OCT 01 2010

OFFICE OF PETITIONS

NOTICE

In re Application of :
Kevin D. Mcintosh et al. :
Application No. 12/462,885 :
Filed: August 10, 2009 :
Attorney Docket No. **37272-520D01US** :

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

cc: **MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, P.C.**
666 THIRD AVENUE, 24TH FLOOR
NEW YORK NY 10017

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 29 2010

OFFICE OF PETITIONS

William V. Hoyle
166 Gaskill St
Woonsocket RI 02895

In re Application of	:	
WILLIAM VANCE HOYLE	:	
Application No. 12/462,915	:	ON PETITION
Filed: August 11, 2009	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2010 and supplemented on November 5, 2010, to revive the above-identified application.

The petition is hereby **GRANTED**

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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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HARNESS, DICKEY & PIERCE, PLC
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of	**: DECISION ON REQUEST TO**
Kazuyoshi ISAJI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/462,928	**: PROSECUTION HIGHWAY**
Filed: August 11, 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 4041J-001605	**: TO MAKE SPECIAL UNDER**
For: Steering Control Device for Vehicle	**: 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 September 14, 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 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 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 Joanne Hama at 571-272-2911 or in her absence, the undersigned at 571-272-7099.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
DEC 16 2010
OFFICE OF PETITIONS

SAM R. MCCOY JR.
P.O. BOX 2108
MOUNT PLEASANT SC 29465

In re Application of
Todd Anthony Layt
Application No. 12/462,947
Filed: August 13, 2009
Attorney Docket No.: None

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed October 18 2010.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before October 14, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 14, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 15, 2010. On October 18, 2010, the present petition was filed. A Notice of Abandonment was subsequently mailed on October 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $595 issue fee and $300 publication fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: TODD LAYT
P.O. BOX 1011
RICHARDMOND, NSW 2753 AUSTRALIA

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

NOV 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
EVANS, SIMON J.W.	:	DECISION ON REQUEST TO
Application No. 12/463,031	:	PARTICIPATE IN PATENT
Filed: May 25, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **334492US-8-DIV**	:	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 September 9, 2010.

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) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO 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 UKIPO 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 UKIPO application(s) containing the allowable/patentable claim(s);
(6) 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; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,048	05/08/2009	William H. Eby	1421-355	8759

32905 7590 11/09/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KUBELIK, ANNE R

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/09/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 0 9 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/463,048	: PETITION DECISION
Filed: May 8, 2009	:
Attorney Docket No.: **1421-355**	

This is in response to the petition under 37 CFR § 1.59(b), filed October 21, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 21, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	12463048
Filing Date	08-May-2009
First Named Inventor	William Eby
Art Unit	1638
Examiner Name	ANNE KUBELIK
Attorney Docket Number	1421-355
Title	Soybean Cultivar 86142430

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32905

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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

☒ 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

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Robert J. Jondle/
Name	Robert J. Jondle
Registration Number	33915

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 2, 2012

In re Application of :

William Eby

Application No : 12463048

Filed : 08-May-2009

Attorney Docket No : 1421-355

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 2, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,064	05/08/2009	Fujun YE	13674-307	8794

7590 09/07/2010

Huawei/BHGL
P.O. Box 10395
Chicago, IL 60610

EXAMINER
ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
09/07/2010	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/07/2010 [illegible]
[illegible]
02 FC:1111 [illegible]

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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.
12/463,070	05/08/2009	William H. Eby	1421-356	8806

32905 7590 11/18/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
KUBELIK, ANNE R

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/18/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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NOV 17 2010

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/463,070	: PETITION DECISION
Filed: May 8, 2008	:
Attorney Docket No.: **1421-356**	

This is in response to the petition under 37 CFR § 1.59(b), filed November 5, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on November 5, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such the information provided has not been reviewed nor have proceedings in the application been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	12463070
Filing Date	08-May-2009
First Named Inventor	William Eby
Art Unit	1638
Examiner Name	ANNE KUBELIK
Attorney Docket Number	1421-356
Title	Soybean Cultivar S080178

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32905

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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

☒ 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

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Robert J. Jondle/
Name	Robert J. Jondle
Registration Number	33915

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 2, 2012

In re Application of :

William Eby

Application No : 12463070

Filed : 08-May-2009

Attorney Docket No : 1421-356

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 2, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,103	05/08/2009	William H. Eby	1421-357	8871

32905 7590 06/03/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
06/03/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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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JUN 0 3 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	:
Serial No.: 12/463,103	: PETITION DECISION
Filed: May 8, 2009	:
Attorney Docket No.: **1421-357**	

This is in response to the petition under 37 CFR § 1.59(b), filed May 19, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on May 19, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,103	05/08/2009	William H. Eby	1421-357	8871

32905 7590 10/04/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
WORLEY, CATHY KINGDON

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
10/04/2011	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):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 0 4 2011

JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
William H. Eby	: PETITION DECISION
Serial No.: 12/463,103	:
Filed: May 8, 2009	:
Attorney Docket No.: **1421-357**	

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 29, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on May 19, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED
DEC 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert C. Linares et al	:	
Application No. 12/463,106	:	DECISION ON PETITION
Filed: May 8, 2009	:	
Attorney Docket No. 1914.033US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action mailed March 11, 2011, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to 2877 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

MAILED
MAR 06 2012
OFFICE OF PETITIONS

In re Application of
Thomas D. Bonifield, et al.
Application No. 12/463,184
Filed: May 8, 2009
Attorney Docket No. TI-66046

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 26, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 11, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed October 11, 2011. Accordingly, the date of abandonment of this application is January 12, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1740 and the publication fee of $300 along with the required oath/declaration, (2) the petition fee of $1860; 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 this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,198	05/08/2009	Luis Mullor Torres	1458-023	9087

32905 7590 11/10/2011
JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
PAGE, BRENT T

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 1 0 2011

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:	:
Luis Mullor Torres	:
Serial No.: 12/463,198	: PETITION DECISION
Filed: May 8, 2009	:
Attorney Docket No.: **1458-023**	

This is in response to the petition under 37 CFR § 1.59(b), filed October 25, 2009, to expunge information from the above identified application. This application has not been allowed. The delay in acting upon this petition is regretted.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 25, 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.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	12463198
Filing Date	08-May-2009
First Named Inventor	Luis Torres
Art Unit	1638
Examiner Name	BRENT PAGE
Attorney Docket Number	1458-023
Title	Cucumber Hybrid 'Corinto'

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32905

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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

☒ 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

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 20872

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Robert J. Jondle/
Name	Robert J. Jondle
Registration Number	33915

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Decision Date : February 9, 2012

In re Application of :

Luis Torres

Application No : 12463198

Filed : 08-May-2009

Attorney Docket No : 1458-023

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 9, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 20872 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,220	05/08/2009	Harold Brokish	1493-013	9124

32905 7590 10/22/2010
JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK, CO 80108

EXAMINER
BUI, PHUONG T

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
10/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com

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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

OCT 2 2 2010

In re Application of:
Harold A. Brokish
Serial No.: 12/463,220
Filed: May 8, 2009
Attorney Docket No.: **1493-013**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed October 20, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105 submitted to the Patent Office on November 2, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES, P.C.
858 HAPPY CANYON ROAD, SUITE 230
CASTLE ROCK CO 80108

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Patent No. 7,863,506	:	
Issue Date: January 4, 2011	:	
Application No. 12/463,220	:	DECISION ON PETITION
Filed: May 8, 2009	:	
Attorney Docket No. 1493-013	:	

This is a decision on the Request Under 37 C.F.R. 3.81(b) To Correct Assignment Data and Request For Issuance Of Certificate Of Correction, filed February 7, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignees' names. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignees' names on the previously submitted PTOL 85B. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignees' names identified thereon from:

"Limagrain Europe, Verneuil L'etang (FR)"

to:

--Limagrain Europe, Verneuil L'etang (FR);
KWS Kleinwanzlebener Saatzucgt AG, Einbeck (DE) --

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite $100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), and the requisite $130.00 processing fee (Fee Code 1464), as set forth under 37 CFR §1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,863,506.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

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Paper No.

BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

MAILED
JAN 05 2012
OFFICE OF PETITIONS

In re Application of Shih et al. Application No. 12/463,247 Filed: May 8,2009 Attorney Docket No.: RPN-006/7302152001 Title: IMPLANTABLE DRUG-DELIVERY DEVICES, AND APPARATUS AND METHODS FOR FILLING THE DEVICES	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 5, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(b) The small entity fee actually paid, and when;
(c) The deficiency owed amount (for each fee erroneously paid); and
(d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has identified the particular types of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, and the total deficiency payment owed.

Petitioner has not identified the current fee amounts for a non-small entity, the small entity fees that were actually paid, or the deficiency owed amounts.

The requirement that Petitioner must provide the Office with the current fee amounts for a non-small entity, the small entity fees that were actually paid, and the deficiency owed amounts is waived, *sua sponte*.

The deficiency payment in the amount of $1313.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

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Paper No.

BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

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JAN 05 2012
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In re Application of Pang et al. Application No. 12/463,251 Filed: May 8,2009 Attorney Docket No.: RPN-011A/7302252001 Title: DRUG-DELIVERY PUMPS AND METHODS OF MANUFACTURE	: : : : : : : :	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 5, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(b) The small entity fee actually paid, and when;
(c) The deficiency owed amount (for each fee erroneously paid); and

(d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has identified the particular types of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, and the total deficiency payment owed.

Petitioner has not identified the current fee amounts for a non-small entity, the small entity fees that were actually paid, or the deficiency owed amounts.

The requirement that Petitioner must provide the Office with the current fee amounts for a non-small entity, the small entity fees that were actually paid, and the deficiency owed amounts is waived, *sua sponte*.

The deficiency payment in the amount of $2151.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

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2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

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JAN 05 2012
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In re Application of Pang et al. Application No. 12/463,254 Filed: May 8,2009 Attorney Docket No.: RPN-011B/7302252002 Title: DRUG-DELIVERY PUMPS AND METHODS OF MANUFACTURE	: : : : : : : :	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 5, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(b) The small entity fee actually paid, and when;
(c) The deficiency owed amount (for each fee erroneously paid); and

(d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has identified the particular types of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, and the total deficiency payment owed.

Petitioner has not identified the current fee amounts for a non-small entity, the small entity fees that were actually paid, or the deficiency owed amounts.

The requirement that Petitioner must provide the Office with the current fee amounts for a non-small entity, the small entity fees that were actually paid, and the deficiency owed amounts is waived, *sua sponte*.

The deficiency payment in the amount of $1479.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

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Paper No.

BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

MAILED
JAN 05 2012
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In re Application of Pang et al. Application No. 12/463,255 Filed: May 8,2009 Attorney Docket No.: RPN-011C/7302252003 Title: DRUG-DELIVERY PUMPS AND METHODS OF MANUFACTURE	: : : : : : : :	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 5, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(b) The small entity fee actually paid, and when;
(c) The deficiency owed amount (for each fee erroneously paid); and

(d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has identified the particular types of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, and the total deficiency payment owed.

Petitioner has not identified the current fee amounts for a non-small entity, the small entity fees that were actually paid, or the deficiency owed amounts.

The requirement that Petitioner must provide the Office with the current fee amounts for a non-small entity, the small entity fees that were actually paid, and the deficiency owed amounts is waived, *sua sponte*.

The deficiency payment in the amount of $1469.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

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Paper No.

BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

MAILED
JAN 05 2012
OFFICE OF PETITIONS

In re Application of	:	
Pang et al.	:	
Application No. 12/463,258	:	DECISION ON PETITION
Filed: May 8,2009	:	PURSUANT TO
Attorney Docket No.: RPN-011D/7302252004	:	37 C.F.R. § 1.28(c)
Title: DRUG-DELIVERY PUMPS AND METHODS OF MANUFACTURE	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 5, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(b) The small entity fee actually paid, and when;
(c) The deficiency owed amount (for each fee erroneously paid); and

(d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has identified the particular types of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, and the total deficiency payment owed.

Petitioner has not identified the current fee amounts for a non-small entity, the small entity fees that were actually paid, or the deficiency owed amounts.

The requirement that Petitioner must provide the Office with the current fee amounts for a non-small entity, the small entity fees that were actually paid, and the deficiency owed amounts is waived, *sua sponte*.

The deficiency payment in the amount of $1874.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	12463264
Filing Date	08-May-2009
First Named Inventor	Price Terzis
Art Unit	2627
Examiner Name	ALLEN CAO
Attorney Docket Number	24353-15530
Title	OPTICAL DISC HANDLING FOR STANDARD SLIM DRIVE

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 758

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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

☒ 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

☒ 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	HITACHI-LG DATA STORAGE KOREA, INC.
Address	LG GASAN DIGITAL CENTER, 459-9 GASAN-DONG, GEUMCHEON-GU,
City	SEOUL
State	
Postal Code	153-803
Country	KR

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Rajiv P. Patel/
Name	Rajiv P. Patel
Registration Number	39327

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 24,2011

In re Application of :

Price Terzis

Application No : 12463264

Filed : 08-May-2009

Attorney Docket No : 24353-15530

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 24,2011

The request is **APPROVED.**

The request was signed by Rajiv P. Patel (registration no. 39327) on behalf of all attorneys/agents associated with Customer Number 758 . All attorneys/agents associated with Cusotmer Number 758 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	HITACHI-LG DATA STORAGE KOREA, INC.
Name2	
Address 1	LG GASAN DIGITAL CENTER, 459-9
Address 2	GASAN-DONG, GEUMCHEON-GU,
City	SEOUL
State	
Postal Code	153-803
Country	KR

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
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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of	:	
TERZIS, et al	:	
Application No. 12/463,264	:	DECISION ON PETITION
Filed: May 8, 2009	:	TO WITHDRAW
Attorney Docket No. 24353-15530	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 2, 2011.

The request is **NOT APPROVED.**

The request to withdraw from record cannot be approved because the change of address for future communication from the Office cannot be accepted, since the address is that of an assignee who has not properly become of record under 37 CFR 3.71. An assignee becomes of record by submitting a proper statement under 37 CFR 3.73(b). Please see 37 CFR 3.71. To expedite the review and processing of any future Request to Withdraw from record, any future submissions should include a **complete** statement under 37 CFR 3.73(b).

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: POWERFILE, INC.
1165 TRITON DRIVE
FOSTER CITY CA 94404

UNITED STATES 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.

BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON DC 20006

MAILED
JAN 05 2012
OFFICE OF PETITIONS

In re Application of Pang et al. Application No. 12/463,265 Filed: May 8,2009 Attorney Docket No.: RPN-007/7302162001 Title: IMPLANTABLE PUMPS AND CANNULAS THEREFOR	:	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 5, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 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 C.F.R. § 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.

37 C.F.R. § 1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

(a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(b) The small entity fee actually paid, and when;
(c) The deficiency owed amount (for each fee erroneously paid); and

(d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has identified the particular types of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, and the total deficiency payment owed.

Petitioner has not identified the current fee amounts for a non-small entity, the small entity fees that were actually paid, or the deficiency owed amounts.

The requirement that Petitioner must provide the Office with the current fee amounts for a non-small entity, the small entity fees that were actually paid, and the deficiency owed amounts is waived, *sua sponte*.

The deficiency payment in the amount of $1082.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior 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

Bib Data Sheet

CONFIRMATION NO. 9392

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/463,334	05/08/2009 RULE	726	2432	

APPLICANTS

Edward Lee, Cupertino, CA;
Jacob West, San Francisco, CA;
Matias Madou, Liehtervelde, BELGIUM;
Brian Chess, Mountain View, CA;

**** CONTINUING DATA ***************************

This appln claims benefit of 61/051,611 05/08/2008

**** FOREIGN APPLICATIONS *********************

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 05/18/2009

		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	☐ yes ☐ no ☐ yes ☐ no ☐ Met after Allowance Examiner's Signature Initials	CA	2	12	1

ADDRESS

FORTIFY SOFTWARE, INC.
2215 Bridgepointe Parkway, Suite 400
San Mateo, CA94404

TITLE

Apparatus and Method for Monitoring Program Invariants to Identify Security Anomalies

FILING FEE RECEIVED		
527	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/21/11

TO SPE OF : ART UNIT 2467

SUBJECT : Request for Certificate of Correction for Appl. No.: 12463365 Patent No.: 7965711

CofC mailroom date: 09/09/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580
You can fax the Directors/SPE response to 571-273-3421

Note: **Should the changes to claim 17 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.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

2467

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Ying-Chou Lai	:	
Application No. 12/463,403	:	DECISION ON PETITION
Filing Date: May 10, 2009	:	
Attorney Docket No. 7005.186	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 22, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of NonProvisonal Application (Notice), mailed May 22, 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 23, 2009.

The petition is hereby **GRANTED**.

The petition satisfies the, requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of filing fee, search fee, examination fee, additional claim fee, and surcharge, (2) the petition fee of $810 (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE of Data Management

JAMES SONNTAG
JAMES SONNTAG, PATENT ATTORNEY
P.O. BOX 9194
SALT LAKE CITY UT 84109

In re Application of	:	JAN 24 2012
LINFORD, MATTHEW R. et al.	:	
Application No. 12/463,414	:	**DECISION ON PETITION**
Filed: May 10, 2009	:	
Attorney Docket No.: USSC-BYU10US	:	

This is a decision on the Request To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on January 15, 2012.

The Request is **DISMISSED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed September 28, 2011. The Office acknowledges receipt of Part B – Fee(s) Transmittal received on December 23, 2011 but the check received bounced. The Notice of Abandonment, mailed on January 12, 2012 indicates, "The submitted fee of $0 is insufficient. You must also submit an additional $50.00 fee for the processing and handling of the returned check. A balance of $2090.00 is due".

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application

- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail:	Mail Stop Petitions Commissioner for Patents Office of Petitions P O Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquires concerning this decision matter may be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,414	05/10/2009	Matthew R. Linford	USSC-BYU10US	9570

27478 7590 02/27/2012
JAMES SONNTAG
JAMES SONNTAG, PATENT ATTORNEY
P.O. BOX 9194
SALT LAKE CITY, UT 84109

EXAMINER
TESKIN, FRED M

ART UNIT	PAPER NUMBER
1762	

NOTIFICATION DATE	DELIVERY MODE
02/27/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SONNTAG@PATENTJS.COM
SONNTAG@XMISSION.COM
PATENTJS@GMAIL.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES SONNTAG
JAMES SONNTAG, PATENT ATTORNEY
P.O. BOX 9194
SALT LAKE CITY UT 84109

In re Application of	:	
Matthew R. Linford	:	**DECISION ON PETITION**
Application No. 12463414	:	
Filed: 05/10/2009	:	
Attorney Docket No. **USSC-BYU10US**	:	

This is a decision on the Request to Reconsider Petition received in the United States Patent and Trademark Office (USPTO) on January 30, 2012.

The previous Decision has been reconsidered. The Petition filed January 15, 2012 is **GRANTED**.

The application was held abandoned for failure to timely pay the required issue and publication fees within the statutory period as required by and within the three-month period set in the Notice of Allowance mailed September 28, 2011. The Notice of Abandonment was mailed on January 12, 2012.

Petitioner states that an attempt to timely pay the issue fee on December 23, 2011was made via Electronic Funds Transfer but the transaction failed. The transaction failed because the account from which the fees were to be paid contained insufficient funds to cover the payment requested. Petitioner further states that it became apparent to him that the payment would not be accepted by the bank due to collection and funds availability issues. Therefore, a new payment of $2,040.00 was submitted by U.S. Mail with a Certificate of Mailing date of December 28, 2011. This payment was returned to petitioner as the USPTO had not yet been notified that the payment made on December 23, 2011 would be returned for insufficient funds. It appeared that the payment had already been received and the check provided on December 28, 2011 was therefore duplicative and unnecessary.

After a review of the evidence and the file contents, it is apparent that petitioner did indeed pay the issue and publication fees in a timely manner on December 28, 2011. Therefore, the petition is granted and the application is returned to pending status. Acknowledgement is made of the issue, publication and processing fee payments made on January 30, 2012.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager
Office of Data Management
Patent Publication Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE SC 29602-1449

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of	:	
Markus BRAENDLI	:	
Application No. 12/463,483	:	DECISION ON PETITION
Filed: May 11, 2009	:	TO WITHDRAW
Attorney Docket No. MEDX-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R.§ 1.36(b), filed November 24, 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 Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted above have been performed. The current attorneys will remain of record in this application and all future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified.

The Application to Revoke the November 24, 2010, Application for Approval to Withdraw from Representation filed December 2, 2010 has been acknowledged by the Office. In this regard, since the request to withdraw from representative is improper and will not be approved, as noted above, the attorneys will remain of record in the above-identified application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE MD 21202-1626

MAILED

AUG 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Freas C. Kinney	:	
Application No. 12/463,615	:	DECISION ON PETITION
Filed: May 11, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 010486.00003	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 21, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Freas C. Kinney attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3677 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE MD 21202-1626

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Freas C. Kinney	:	
Application No. 12/463,615	:	DECISION ON PETITION
Filed: May 11, 2009	:	TO WITHDRAW
Attorney Docket No. 010486-00003	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 9, 2010.

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 Gregory M. Stone on behalf of all attorneys/agents associated with customer 25223. All attorneys/agents associated with customer number 25223 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: Freas C. Kinney
12829 Worcester Highway, Route 113
Bishopville, MD 21813

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/463,615	05/11/2009	Freas C. Kinney	010486.00003

CONFIRMATION NO. 9969

POWER OF ATTORNEY NOTICE

25223
WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

OC000000043711685

Date Mailed: 09/27/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/09/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : July 19, 2011

TO SPE OF : ART UNIT 1743

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/463664 Patent No.: 7955537

CofC mailroom date: 6/13/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Should the changes be made?

RoChaun Hardwick
Certificates of Correction Branch

571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ❑ **Approved** — **All** changes apply.
- X **Approved in Part** — Specify below which changes **do not** apply.
- ❑ **Denied** — State the reasons for denial below.

Comments: Do not change on page 1 column 2 "4630755" to "4630765". Note that the original IDS associated inventor *Campbell* with document 4630765 and in an IDS of 4/19/2011 a change was applied to officially change 4630765 to 4630755, which properly matches to inventor Campbell and matches what has been printed.

SPE /Joseph S. Del Sole/ **Art Unit 1743**

UNITED STATES 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 WEBOSTAD FIRM, A PROFESSIONAL CORPORATION
150 NORTH WIGET LANE
SUITE 200
WALNUT CREEK CA 94598

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
LEE, Ming-Jing et al.	:	
Application No. 12/463,681	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: May 11, 2009	:	
Attorney Docket No. WF014	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiners
Office of Petitions

cc: **MUNCY, GEISSLER, OLDS & LOWE, PLLC**
PO BOX 1364
FAIRFAX, VA 22038-1364

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

MAILED
NOV 05 2010
OFFICE OF PETITIONS

In re Application of	:	
LEE, Ming-Jing et al.	:	**CORRECTED**
Application No. 12/463,681	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: May 11, 2009	:	
Attorney Docket No. WF014	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiners
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

DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE IL 61265

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of :
TEMPLE, et al :
Application No. 12/463,719 : DECISION ON PETITION
Filed: May 11, 2009 :
Attorney Docket No. 18588-US :

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 reply in a timely manner to the non-final Office action mailed, October 4, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 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 amendment, (2) the petition fee of $1620; 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 at (571) 272-3600.

This application is being referred to Technology Center AU 3671 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAKER & MCKENZIE LLP
1114 AVENUE OF THE AMERICAS
NEW YORK NY 10036

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of
Cooper, et al.
Application No. 12/463,766
Filed: May 11, 2009
Attorney Docket No. 56174346-13

ON PETITION

This is a decision on the petition, filed November 9, 2011, under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See, 37 CFR 1.137(f).

The petition is **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. No additional petition fee is required.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks item (1) set forth above.

37 CFR 1.137(f) states:

> A nonprovisional application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing, may be revived only pursuant to paragraph (b) of this section. The reply

requirement of paragraph (c) of this section is met by the notification of such filing in a foreign country or under a multinational treaty, but the filing of a petition under this section will not operate to stay any period for reply that may be running against the application.

The petition fails to comply with the procedures and requirements under 37 CFR 1.137(f) because the petition fails to state the filing date of the subsequently filed foreign or international application for patent.

Correction may be made upon renewed petition.

Applicant may wish to utilize the enclosed USPTO Form PTO SB/64A in furtherance of this matter.

Applicant is further reminded that the time period for reply to the Notice of Allowance mailed November 18, 2011 remains as set forth therein. The mailing of the instant decision on petition does not operate to stay the period of time for reply to the Notice of Allowance.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, practitioner's signature appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If practitioner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to practitioner, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

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 concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

CC: GASPARO,FRANK,
Baker & McKenzie LLP
1114 Avenue of the Americas
New York, NY 10036

Doc Code: PET.OP
Document Description: Petition for review by the Office of Petitions

PTO/SB/64a (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OFA FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))	Docket Number (Optional)

First named inventor: _____

Application No.: _____ Art Unit: _____

Filed: _____ Examiner: _____

Title: _____

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned pursuant to 35 U.S.C. 12 2(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is _____.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1. 11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Type or Printed Name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
DEC 16 2011
OFFICE OF PETITIONS

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:	
Cooper, et al.	:	
Application No. 12/463,766	:	ON PETITION
Filed: May 11, 2009	:	
Attorney Docket No. 120426-303754	:	

This is a decision on the petition, filed December 9, 2011, under 37 CFR 1.137(b) to revive the instant non-provisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See, 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on April 22, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the

date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 22, 2012 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being forwarded to the Office of Data Management for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/463,766	05/11/2009	Kerry Cooper	120426-303754

CONFIRMATION NO. 1232

26694
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

NONPUBLICATION RESCISSION LETTER

OC000000051519879

Date Mailed: 12/16/2011

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 03/22/2012.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/ambrown/

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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OFFICE OF PETITIONS

INTELLECTUAL PROPERTY DEPT./
DEWITT ROSS & STEVENS
WISCONSIN ALLUMNI RESEARCH FOUNDATION
2 EAST MIFFLIN STREET
SUITE #600
MADISON WI 53703-2865

In re Application of	:	
William E. FAHL, et al	:	
Application No. 12/463,789	:	DECISION ON PETITION
Filed: May 11, 2009	:	
Attorney Docket No. 09820.908	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 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 Corrected Application Papers filed August 7, 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 October 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Office of Data Management at (571) 272-4200.

This application is being referred to the Office of Data Management for further pre-examination processing.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

MAILED

FEB 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Vu et al.	:	
Application No. 12/463,796	:	ON PETITION
Filed: May 11, 2009	:	
Attorney Docket No. 091230-0380269	:	

This is a decision on the petition under 37 CFR 1.182, filed January 11, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Cung VU
2. Kurt T. NIHEI
3. Denis P. SCHMITT
4. Christopher SKELT
5. Paul A. JOHNSON
6. Robert GUYER
7. James A. TENCATE
8. Pierre-Yves LE BAS

A Corrected Filing Receipt reflecting the above changes is enclosed.

This matter is now being referred to Technology Center AU 3663 to await examination.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/463,796	05/11/2009	3663	2208	091230-0380269	39	3

CONFIRMATION NO. 1294

CORRECTED FILING RECEIPT

909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

OC000000045843626

Date Mailed: 02/04/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Cung VU, Houston, TX;
Kurt T. Nihei, Oakland, CA;
Denis P. Schmitt, Katy, TX;
Christopher Skelt, Houston, TX;
Paul A. Johnson, Santa Fe, NM;
Robert Guyer, Reno, NV;
James A. TenCate, Los Alamos, NM;
Pierre-Yves Le Bas, Los Alamos, NM;

Power of Attorney: The patent practitioners associated with Customer Number 00909

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/170,070 04/16/2009

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/26/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/463,796**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM AND METHOD TO ESTIMATE COMPRESSIONAL TO SHEAR VELOCITY (VP/VS) RATIO IN A REGION REMOTE FROM A BOREHOLE

Preliminary Class

367

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

MAILED

FEB 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Vu et al.	:	
Application No. 12/463,802	:	ON PETITION
Filed: May 11, 2009	:	
Attorney Docket No. 091230-0378015	:	

This is a decision on the petition under 37 CFR 1.182, filed January 11, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Cung VU
2. Kurt T. NIHEI
3. Denis P. SCHMITT
4. Christopher SKELT
5. Paul A. JOHNSON
6. Robert GUYER
7. James A. TENCATE
8. Pierre-Yves LE BAS

A Corrected Filing Receipt reflecting the above changes is enclosed.

This matter is now being referred to Technology Center AU 3663 to await examination.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/463,802	05/11/2009	3663	1948	091230-0378015	34	3

CONFIRMATION NO. 1302

CORRECTED FILING RECEIPT

909
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

OC000000045840257

Date Mailed: 02/04/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Cung Vu, Houston, TX;
Kurt T. Nihei, Oakland, CA;
Denis P. Schmitt, Katy, TX;
Christopher Skelt, Houston, TX;
Paul A. Johnson, Santa Fe, NM;
Robert Guyer, Reno, NV;
James A. TenCate, Los Alamos, NM;
Pierre-Yves Le Bas, Los Alamos, NM;

Power of Attorney: The patent practitioners associated with Customer Number 00909

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/170,070 04/16/2009

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/26/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/463,802**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM AND METHOD TO CREATE THREE-DIMENSIONAL IMAGES OF NON-LINEAR ACOUSTIC PROPERTIES IN A REGION REMOTE FROM A BOREHOLE

Preliminary Class

367

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 AssetsControl, 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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Alexandria, VA 22313-1450
www.uspto.gov

TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON TX 77057-2631

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Sunil Kumar SINHA, et al	:	
Application No. 12/463,817	:	DECISION ON PETITION
Filed: May 11, 2009	:	TO WITHDRAW
Attorney Docket No. AIR.0002C1US	:	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 3, 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 Diana Sangalli on behalf of the attorneys of record associated with Customer No. 21906

The attorneys of record associated with Customer No. 21906 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: AIRGENERATE LLC
8500 COMMERCE PARK, SUITE LLC
HOUSTON, TX 77036

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/463,817	05/11/2009	Sunil Kumar Sinha	AIR.0002C1US

CONFIRMATION NO. 1335

POWER OF ATTORNEY NOTICE

21906
TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

OC000000044831745

Date Mailed: 12/07/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/03/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/463,841	Filing date:	May 11, 2009
First Named Inventor:	Boris Y. Tsirline et al.		
Title of the Invention:	NEAR FIELD COUPLING DEVICES AND ASSOCIATED SYSTEMS AND METHODS		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/034343

The international filing date of the corresponding PCT application(s) is/are: May 11, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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 PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/463,841
First Named Inventor:	Boris Y. Tsirline et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on September 28, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on September 28, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	US Claims 1-20 are substantively the same as PCT claims 1-20, respectively.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Adam M. Kaplan	Date 2/17/2011
Name (Print/Typed) Adam M. Kaplan	Registration Number 59,109

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.
12/463,841	05/11/2009	Boris Y. Tsirline	054054/343236	1381

97928 7590 03/23/2011
Zebra/Alston & Bird
101 S. Tryon Street
Suite 4000
Charlotte, NC 28280-4000

EXAMINER
ANDERSON, MATTHEW D

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jonathan.thomas@alston.com
IP_Legal@zebra.com
USPTOIncoming@alston.com

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Zebra/Alston & Bird
101 S. Tryon Street
Suite 4000
Charlotte NC 28280-4000

In re Application of	:	
TSIRLINE, BORIS et al.	:	DECISION ON REQUEST TO
Application No. 12/463,841	:	PARTICIPATE IN PATENT
Filed: May 11, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **054054/343236**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed February 17, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of
Amirali Bulamhussein Rehmat, et al.
Application No. 12/463,848
Filed: May 11, 2009
Attorney Docket No. 09959.0004

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 21, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they (1) have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment, nor have they certified that they (2) have delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled or notified the client of any responses that may be due and the time frame within which they must respond. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Blank copy of PTOL SB/83 Request for Withdrawal as Attorney Or Agent and Change of Correspondence Address

cc: MOHAN ASSOCIATES
CEEBROS BLDG. D-4, 3RD FLOOR
TEYNAMPET, CHENNAI 600 018
INDIA

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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GEORGE MASON UNIVERSITY
OFFICE OF TECHNOLOGY TRANSFER, MSN 5G5
4400 UNIVERSITY DRIVE
FAIRFAX VA 22030

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of	:	
TIAN, et al	:	
Application No. 12/463,942	:	DECISION ON PETITION
Filed: May 11, 2009	:	
Attorney Docket No. GMU-08-019U	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 6, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to timely pay the issue and publication fees on or before May 16, 2011, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed February 14, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 17, 2011. A Notice of Abandonment was mailed June 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300; (2) the petition fee of $810; and (3) a statement of unintentional delay.

The Office acknowledges an extra payment for the issue, publication and petition fees. Since the fees are unnecessary, petitioner may request a refund by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of
Jason (Ming) Yu Lin
Application No. 12/463,967
Filed: May 11, 2009
Attorney Docket No. BP3351C1

DECISION ON PETITION

This is a decision on the petition filed March 11, 2011 under 37 CFR 1.182 requesting expedited consideration of the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 4, 2011, to revive the above-identified application.

The petition under 37 CFR 1.182 for expedited consideration is **GRANTED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 17, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 17, 2010. Accordingly, the date of abandonment of this application is February 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and the publication fee of $300, (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

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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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
2050 Main Street, Suite 1100
IRVINE CA 92614

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Jerry B. Lowe	:	
Application No. 12/464,008	:	ON PETITION
Filed: May 11, 2009	:	
Attorney Docket No. **705397.4065**	:	

This is a decision on the petition, filed August 16, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is "Mitsubishi Electric Visual Solutions America, Inc." and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to "Mitsubishi Electric Visual Solutions America, Inc.".

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a

[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

> certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to Mitsubishi Electric Visual Solutions America, Inc. has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Mitsubishi Electric Visual Solutions America, Inc. was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth** Mitsubishi Electric Visual Solutions America, Inc.**, as the assignee**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision **must** accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,040	05/11/2009	Valerie M. Weaver	008077-5006-US	1783

43850 7590 09/22/2011
MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco, CA 94105

EXAMINER
BABIC, CHRISTOPHER M

ART UNIT	PAPER NUMBER
1637	

MAIL DATE	DELIVERY MODE
09/22/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 21, 2011

MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

In re Application of	:	
Valerie M. Weaver et al.	:	**DECISION ON PETITION**
Application No. 12464040	:	
Filed: 05/11/2009	:	
Attorney Docket No. **008077-5006-US**	:	

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 2, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANATOLY S. WEISER
3525 DEL MAR HEIGHTS ROAD, #295
SAN DIEGO, CA 92130

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Catherine Lin-Hendel	:	
Application No. 12/464,047	:	DECISION ON PETITION
Filed: May 11, 2009	:	TO WITHDRAW FROM
Attorney Docket No. LH-012CON1	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed March 16, 2011.

The request is **APPROVED**.

The request was signed by Anatoly S. Weiser on behalf of herself and all attorneys/agents associated with Customer Number 35070. Therefore, Anatoly S. Weiser and all the attorneys/agents associated with Customer Number 35070 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed on January 31, 2011, that requires a reply from the applicant.

All future communications from the Office will be directed to the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Catherine Lin-Hendel
18850 Blythswood Drive
Los Gatos, CA 95030

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DOUGLAS L. WELLER
431 MAGNOLIA LANE
SANTA CLARA, CA 95051

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Catherine Lin-Hendel	:	
Application No. 12/464,047	:	DECISION ON PETITION
Filed: May 11, 2009	:	TO WITHDRAW FROM
Attorney Docket No. LH012CON1	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40, filed July 19, 2011.

The request is **MOOT**.

A review of the file record indicates that power of attorney to Douglas L. Weller and all the attorneys/agents associated with Customer Number 23899 was revoked by the sole inventor of the above application on July 19, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the new address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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
12/464,047	05/11/2009	Catherine Lin-Hendel	LH012CON1

CONFIRMATION NO. 1793

POWER OF ATTORNEY NOTICE

23899
DOUGLAS L WELLER
431 MAGNOLIA LANE
SANTA CLARA, CA 95051

OC000000048928570

Date Mailed: 07/25/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2011.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/amsmith/

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

Decision Date : January 19, 2012

In re Application of :

David Smith

Application No : 12464055

Filed : 11-May-2009

Attorney Docket No : P08234

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 19, 2012

The request is **APPROVED.**

The request was signed by Eric Fish (registration no. 67803) on behalf of all attorneys/agents associated with Customer Number 28548 . All attorneys/agents associated with Cusotmer Number 28548 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	David Q. Smith
Name2	
Address 1	1195 Miramar Dr.
Address 2	
City	Vista
State	CA
Postal Code	92081
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 **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	12464055
Filing Date	11-May-2009
First Named Inventor	David Smith
Art Unit	3664
Examiner Name	DALE MOYER
Attorney Docket Number	P08234
Title	FLOATING DOCK DEFLECTION MANAGEMENT SYSTEMS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 28548

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

10.40(c)(1)(vi)

Certifications

☒ 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

☒ 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

☒ 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	David Q. Smith
Address	1195 Miramar Dr.
City	Vista
State	CA
Postal Code	92081

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Eric Fish/
Name	Eric Fish
Registration Number	67803

UNITED STATES 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 : July 28,2011

In re Application of :

Ullattil Shaji

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12464108

Filed : 12-May-2009

Attorney Docket No : MS1-5041US

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 28,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2162 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12464108
Filing Date	12-May-2009
First Named Inventor	Ullattil Shaji
Art Unit	2162
Examiner Name	DENNIS MYINT
Attorney Docket Number	MS1-5041US
Title	INTERFACES AND METHODS FOR GROUP POLICY MANAGEMENT

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	/Elliott Y. Chen/
Name	Elliott Y. Chen
Registration Number	58293

ALBERT BORDAS, P.A.
– PROTECTING INTELLECTUAL PROPERTY WORLDWIDE –

October 1, 2010

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Title: **ELMALEH ENGINE**
Applicant(s): **Shimon Elmaleh**
Applic. No. **12/464,215**
Filing Date: **May 12, 2009**
Atty. Ref. No. **090049** **Art Unit: 3745**

Dear Sir:

Our records show that the Petition to Make Special Under Green Technology Pilot Program we filed for the above-referenced patent application was GRANTED on June 22, 2010.

However, USPTO Bibliographic Data (Private PAIR) indicates "Application Dispatched from Preexam, Not Yet Docketed", with a status date of 6/17/2009. Also, the First Action Prediction for this application shows that "It is estimated that this application will receive an Office action in approximately **33** months."

Please let us know when do you estimate this application will be passed to examination based on its Special status.

Respectfully,

/Albert Bordas/
Albert Bordas, Esq.
Reg. No. 45,595

File
AB/vp

UNITED STATES 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 22 2011

OFFICE OF PETITIONS

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

In re Application of	:	
Chao M. Beck et al	:	
Application No. 12/464,220	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. AUS920080521US1	:	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 28, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Anthony Edw. J Campbell does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the 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: Anthony Edw. J Campbell
P.O. Box 160370
Austin, TX 78716-0370

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HUSCH BLACKWELL SANDERS LLP
WELSH & KATZ
120 S. RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO, IL 60606

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of
Toshiyuki Isa et al
Application No. 12/464,252
Filed: May 12, 2009
Attorney Docket No. 0553-0478.01

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 22, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 1, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2895 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

FEB 22 2012

OFFICE OF PETITIONS

SCI-LAW STRATEGIES, PC
P.O. BOX 1729
SOLANA BEACH, CA 92075

In re Application of
Laurence W. Dummett
Application No. 12/464,283
Filed: May 12, 2009
Attorney Docket No.: ADEX-01000US7

ON PETITION

This is a decision on the petition, filed January 13, 2012, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before December 29, 2011, as required by the Notice of Allowance and Fee(s) Due mailed September 29, 2011. A Notice of Abandonment was subsequently mailed on January 13, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $870 and the publication fee of $300, (2) the petition fee of $930; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

FEB 10 2012

OFFICE OF PETITIONS

SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE NY 14221-5406

In re Application of :
Hungerford et al. :
Application No. 12/464297 :
Filing or 371(c) Date: 05/12/2009 : ON PETITION
Title of Invention: :
SYSTEM AND METHOD FOR :
MANAGING INFUSION THERAPIES :

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of Abolfathi et al. :
Application No. 12/464,310 : DECISION ON PETITION
Filing Date: May 12, 2009 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. SNTSNZ03000 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 14, 2012, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the

examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2829 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/464,310	05/12/2009	2829	566	SNTSNZ03000	24	2

CONFIRMATION NO. 1342

CORRECTED FILING RECEIPT

40518
LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

OC000000053292430

Date Mailed: 03/22/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Amir ABOLFATHI, Woodside, CA;
Jason R. SHELTON, San Francisco, CA;
Reza KASSAYAN, Atherton, CA;

Assignment For Published Patent Application

SONITUS MEDICAL, INC., San Mateo, CA

Power of Attorney: The patent practitioners associated with Customer Number 40518

Domestic Priority data as claimed by applicant

This application is a CIP of 11/845,712 08/27/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/21/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/464,310**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

HEADSET SYSTEMS AND METHODS

Preliminary Class

381

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.

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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.

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Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Kouji Morimoto, et al.	:	
Application No. 12/464,358	:	DECISION GRANTING PETITION
Filed: May 12, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MAT-18951	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, July 14, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 13, 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 2878for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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[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.*

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:	12/464,371	Filing date:	May 12, 2009
First Named Inventor:	Brian L. Bullard		
Title of the Invention:	APPARATUS AND METHOD FOR THE SEPARATE STORAGE AND MIXING OF SUBSTANCES		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/046129

The international date of the corresponding PCT application(s) is/are: June 3, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/464,371
First Named Inventor:	Brian L. Bullard

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 August 4, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

Have already been filed in the above-identified U.S. application on August 4, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	35	same
2	36	same
3	37	same
4	38	same
5	39	same
6	40	same
7	41	same
8	42	same
9	43	same
10	44	same
11	45	same
12	46	same
13	47	same
14	48	same
15	49	same
16	50	same
17	51	same
18	52	same
		see continuation sheet

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Gary D. Mann/	Date August 5, 2010
Name (Print/Typed) Gary D. Mann	Registration Number 34,867

Request for Participation in the PCT-PPH Pilot Program
Between the KIPO and the USPTO

(continuation sheet)

Claims in U.S. Application	Patentable Claims in Corresponding PCT Application	Explanation Re Correspondence
19	53	same
20	54	same
21	55	same
22	56	same
23	57	same
24	58	same
25	59	same
26	60	same
27	61	same
28	62	same
29	63	same
30	64	same
31	65	same
32	66	same
33	67	same
34	68	same
35	69	same
36	70	same
37	71	same
38	72	same
39	73	same

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

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US 12/464,371 (CON)
Filed on 12 May 2009 (12.05.2009)

(71) Applicant and
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(81) Designated States *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States *(unless otherwise indicated, for every kind of regional protection available)*: ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— *without international search report and to be republished upon receipt of that report (Rule 48.2(g))*

WO 2009/149184 A2

(54) Title: APPARATUS AND METHOD FOR THE SEPARATE STORAGE AND MIXING OF SUBSTANCES

(57) Abstract: A storage device has a second cap for actuating a rod and permitting a fluid to flow through that cap. The storage device has an outer container and an inner container. Mounted at one end of the inner container is a first cap that rotates open and closed for allowing the contents of the inner and outer containers to mix together when desired. The other end of the inner container has an opening that is enclosed by the second cap that is operable to actuate the rod. When actuated, the rod pushes against the first cap thereby opening it in order to mix the contents. Moreover the second cap defines a plurality of holes adapted to permit a fluid to flow through them. Thus the second cap actuates the rod, yet also is disposed at the same end of the outer and inner containers from which the fluid can flow.

WHAT IS CLAIMED IS:

1. A device for holding a first substance and a second substance, the device comprising:

a first container defining a first chamber for containing the first substance;

a second container defining a second chamber for containing the second substance;

a first cap configured for movement from a sealing position to an open position and for movement from the open position to the sealing position, wherein the first and second chambers are in a first state when the first cap is in the sealing position, wherein the first and second chambers are in a second state when the first cap is in the open position, wherein the first state is the first and second chambers being sealed from one another, and wherein the second state is the first and second chambers being in communication with one another; and

an operating member configured to move the first cap from the sealing position to the open position upon actuation of the operating member,

wherein the first cap is coupled to one of the first container and the second container when the first cap is both in the sealing position and in the open position.

2. The device of claim 1 wherein the first container, the second container and the first cap are configured so that the first and second chambers can alternate a plurality of times between the first state and the second state during normal usage.

3. The device of claim 1 wherein each of the first container and the second container is configured for disassembly and re-assembly a plurality of times during normal usage.

4. The device of claim 1 wherein the first container further defines a first container opening leading into the first chamber, and wherein the second container is configured to mate with the first container so that the first container opening is sealed closed.

5. The device of claim 4 wherein the first and second containers are in a generally coaxial relationship with at least a portion of the second container disposed within the first chamber when the second container is mated with the first container.

6. The device of claim 1 wherein the actuation of the operating member is by axial movement having no rotary component.

7. The device of claim 1 wherein the second container further defines a proximate second container opening leading into the second chamber and a distal second container opening leading into the second chamber, wherein the first cap is configured to cover the proximate second container opening when the first cap is in the sealing position, the device further comprising:

a second cap configured to enclose the distal second container opening, wherein at least a portion of the second cap is movable between a cap first position and a cap second position, and wherein the operating member is configured to be coupled to the second cap and to be actuated by the second cap when the at least a portion of the second cap moves from the cap first position to the cap second position.

8. The device of claim 7 wherein the second cap is comprised of a rigid member and a flexible wall, wherein the rigid member is configured to engage the first container and wherein the operating member is configured for coupling to the flexible wall.

9. The device of claim 7 wherein the second cap is comprised of a rigid member and a flexible wall, wherein the rigid member is configured to engage the first container, wherein the operating member is coupled to the flexible wall, and wherein the second cap is configured to move from the cap first position to the cap second position in response to an external force applied to the flexible wall in a direction generally normal to the flexible wall.

10. The device of claim 7 wherein the operating member is a rod, wherein the second cap further comprises a sleeve, and wherein the rod is configured to mate with the sleeve.

11. The device of claim 7 wherein each of the first container, the second container, and the second cap is configured for disassembly and re-assembly during normal usage and is configured so that the first and second chambers can alternate a plurality of times between the first state and the second state during normal usage.

12. The device of claim 1 wherein the first cap is pivotally connected to the one of the first container and the second container when the first cap is both in the sealing position and in the open position.

13. The device of claim 12 wherein the first cap is pivotally connected to the one of the first container and the second container with a hinge, wherein the hinge comprises a pin and a hinge member defining a hinge cavity configured to receive the pin.

14. The device of claim 13 wherein the pin is secured to inhibit rotation of the pin,
wherein the pin has a pin cross section geometry and the hinge cavity has a cavity cross section geometry,
wherein the hinge cavity has a cavity wall and is configured to permit relative rotation between the cavity wall and the pin when the first cap moves between the sealing position and the open position, and
wherein the pin cross section geometry and the cavity cross section geometry are configured so that one of no stress and a first stress is exerted between the pin and the cavity wall if the first cap is in the open position, and so that a second stress is exerted between the pin and the cavity wall if the first cap is in the sealing position, wherein the second stress is greater than the first stress.

15. The device of claim 14 wherein the pin is constructed of a material having a first hardness and the hinge member is constructed of a material having a second hardness that is different than the first hardness.

16. The device of claim 14 wherein the pin cross section geometry and the cavity cross section geometry each define a shape that is generally elongated and has two generally arcuate-shaped sides connected by two generally linearly-shaped sides,

wherein the pin cross section geometry includes an imaginary pin cross section longitudinal axis and the cavity cross section includes an imaginary cavity cross section longitudinal axis,

wherein the imaginary pin cross section longitudinal axis is oriented generally normal to the imaginary cavity cross section longitudinal axis if the cap is in the sealed position, and

wherein the imaginary pin cross section longitudinal axis is generally aligned with the imaginary cavity cross section longitudinal axis if the cap is in the open position.

17. A baby bottle for use with a nipple, the baby bottle comprising:

a first container defining a proximate first container opening, a distal first container opening, and a first chamber, wherein proximate first container opening is configured to be closed by the nipple;

a second container defining a proximate second container opening, a distal second container opening, and a second chamber;

a first cap pivotally mounted on the second container and having an open position and a sealing position, wherein the first cap is configured to cover the proximate second container opening when the first cap is in the sealing position;

a second cap configured to enclose the distal second container opening, wherein at least a portion of the second cap is movable between a cap first position and a cap second position; and

a rod configured for coupling to the second cap and for extending in a direction toward the proximate second container opening when the second cap encloses the distal second container opening, wherein the rod is further configured to move between a rod first position and a rod second position in response to movement of the at least a portion of the second cap between the cap first position and the cap second position,

wherein at least a portion of the second container is configured to be disposed within the first chamber so that the second chamber is in communication with the first chamber via the proximate second container opening when the first cap is in the open position, and

wherein the rod, the first cap and the second cap are configured so that the first cap is moved from the closed position to the open position in response to movement of the rod from the rod first position to the rod second position.

18. The baby bottle of claim 17 wherein the second cap is comprised of a rigid member and a flexible wall, wherein the rigid member is configured to engage the first container and wherein the flexible wall is configured for coupling to the rod.

19. The baby bottle of claim 17 wherein the second cap is comprised of a rigid member and a flexible wall, wherein the rigid member is configured to engage the first container, wherein the flexible wall is configured for coupling to the rod, and wherein the at least a portion of the second cap is configured to move from the cap first position to the cap second position in response to an external force applied to the flexible wall in a direction generally normal to the flexible wall.

20. The baby bottle of claim 17 wherein the second cap further comprises a sleeve, and wherein the rod is configured to mate with the sleeve.

21. The baby bottle of claim 17 wherein each of the first container, the second container and the second cap is configured for disassembly and re-assembly during normal usage.

22. The baby bottle of claim 17 wherein the first cap is pivotally mounted on the second container with a hinge, wherein the hinge comprises a pin and a hinge member defining a hinge cavity configured to receive the pin.

23. The baby bottle of claim 22 wherein the pin is secured to inhibit rotation of the pin,

wherein the pin has a pin cross section geometry and the hinge cavity has a cavity cross section geometry,

wherein the hinge cavity has a cavity wall and is configured to permit relative rotation between the cavity wall and the pin when the first cap moves between the sealing position and the open position, and

wherein the pin cross section geometry and the cavity cross section geometry are configured so that one of no stress and a first stress is exerted between the pin and the cavity wall if the first cap is in the open position, and so that a second stress is exerted between the pin and the cavity wall if the first cap is in the sealing position, wherein the second stress is greater than the first stress.

24. A device for holding a first substance and a second substance, the device comprising:

a first container defining a first chamber for containing the first substance;

a second container defining a second chamber for containing the second substance, wherein the first and second containers are configured so that at least a portion of the second container can be inserted into the first container, wherein the second container defines a proximate second container opening leading into the second chamber, and wherein the second chamber is configured to be in

communication with the first chamber via the proximate second container opening when the second container is inserted into the first container; and

means for alternately closing and opening the proximate second container opening a plurality of times, wherein the first and second chambers are not in communication with one another each time that the second container opening is closed and wherein the first and second chambers are in communication with one another each time that the proximate second container opening is opened.

25. A method of mixing a first substance and a second substance, the method comprising:

providing a first container and a second container, wherein the first container defines a first chamber containing the first substance and the second container defines a second chamber containing the second substance;

actuating an operating member;

moving a first cap from a sealing position to an open position, wherein the first cap is disposed between the first chamber and the second chamber if the first cap is in the sealing position, wherein the first chamber is in communication with the second chamber if the first cap is in the open position, and wherein the first cap is coupled to one of the first container and the second container when the first cap is both in the sealing position and in the open position; and

mixing the first substance and the second substance.

26. The method of claim 25 wherein the second container defines a second container opening, wherein actuating the operating member includes pushing a second cap coupled to the operating member and wherein the second cap is configured to enclose the second container opening.

27. The method of claim 25 wherein moving the first cap from the sealing position to the open position includes rotating the first cap from the sealing position to the open position

about a hinge, wherein the hinge comprises a pin and a hinge member defining a hinge cavity, and wherein the hinge cavity is configured to receive the pin.

28. The method of claim 25 wherein the first container defines a first container opening, and wherein the second container is configured to mate with the first container in a generally coaxial relationship so that the first container opening is sealed closed.

29. A method of mixing a first substance and a second substance, the method comprising:

inserting at least a portion of a second container into a first container, wherein the second container is configured for use with a first cap and a second cap;

placing the second substance into the second container through a distal second container opening defined by the second container;

enclosing the distal second container opening with the second cap;

placing the first substance into the first container through a proximate first container opening defined by the first container;

enclosing the proximate first container opening; and

pushing the second cap thereby actuating an operating member and opening the first cap.

30. The method of claim 29 wherein pushing the second cap includes pushing a flexible wall of the second cap, wherein the flexible wall includes a sleeve and wherein the operating member is a rod, the method further comprising:

inserting the rod into the sleeve.

31. The method of claim 30 wherein each of the first container, the second container and the second cap is configured for disassembly and re-assembly a plurality of times during normal usage.

32. The method of claim 29 wherein the first cap has a sealing position and an open position, and wherein the first cap is pivotally connected to the second container when the first cap is both in the sealing position and in the open position.

33. The method of claim 32 wherein the first cap is pivotally connected to the second container with a hinge, wherein the hinge comprises a pin and a hinge member defining a hinge cavity configured to receive the pin.

34. The method of claim 33 wherein the pin is secured to inhibit rotation of the pin,

wherein the pin has a pin cross section geometry and the hinge cavity has a cavity cross section geometry,

wherein the hinge cavity has a cavity wall and is configured to permit relative rotation between the cavity wall and the pin when the first cap moves between the sealing position and the open position, and

wherein the pin cross section geometry and the cavity cross section geometry are configured so that one of no stress and a first stress is exerted between the pin and the cavity wall if the first cap is in the open position, and so that a second stress is exerted between the pin and the cavity wall if the first cap is in the sealing position, wherein the second stress is greater than the first stress.

35. A device for holding a first substance and a second substance, the device comprising:

a first container defining a first chamber for containing the first substance;

a second container defining a second chamber for containing the second substance and further defining a second container proximate opening leading into the second chamber and a second container distal opening leading into the second chamber;

a first cap coupled to the second container and configured for movement from a sealing position to an open position and for movement from the open position to the sealing position, wherein the first and second chambers are in a first state when the first cap is in the sealing position, wherein the first and second

chambers are in a second state when the first cap is in the open position, wherein the first state is the first and second chambers being sealed from one another, and wherein the second state is the first and second chambers being in communication with one another,

wherein the first cap is configured to cover the second container proximate opening when the first cap is in the sealing position;

an operating member configured to move the first cap from the sealing position to the open position; and

a second cap configured to cover the second container distal opening, wherein at least a portion of the second cap is movable between a cap first position and a cap second position, and wherein the operating member is configured to be coupled to the second cap and to be moved by the second cap when the at least a portion of the second cap moves from the cap first position to the cap second position,

wherein the second cap defines a plurality of second cap holes configured to permit the first substance and the second substance to pass through the plurality of second cap holes.

36. The device of claim 35 wherein the second container includes a ledge disposed within the second chamber,

wherein the first cap includes a latch,

wherein the latch includes an engagement member configured to engage the ledge and a flexible member coupled to the engagement member and disposed generally normally to the engagement member, and

wherein the operating member is configured to bend the flexible member thereby moving the engagement member and permitting movement of the first cap from the sealing position to the open position.

37. The device of claim 35 wherein the first container, the second container and the first cap are configured so that the first and second chambers can alternate a plurality of times between the first state and the second state during normal usage.

38. The device of claim 35 wherein each of the first container and the second container is configured for disassembly and re-assembly a plurality of times during normal usage.

39. The device of claim 35 wherein the first container further defines a first container opening leading into the first chamber, and wherein the second container is configured to mate with the first container so that the first container opening is sealed closed when the first cap is in the sealing position.

40. The device of claim 39 wherein the first and second containers are in a generally coaxial relationship with at least a portion of the second container disposed within the first chamber when the second container is mated with the first container.

41. The device of claim 35 wherein the operating member is configured to actuate the latch by an axial movement of the operating member having no rotary component.

42. The device of claim 35 wherein the at least a portion of the second cap is constructed of a flexible material, wherein the second cap is configured for removable engagement with the second container, and wherein at least a portion of the second cap is further configured to move from the cap first position to the cap second position in response to an external force applied to the second cap in a direction generally normal to the second cap.

43. The device of claim 35 wherein the operating member is a rod, wherein the second cap further comprises a sleeve, and wherein the rod is configured to mate with the sleeve.

44. The device of claim 35 wherein the first cap is pivotally connected to the second container when the first cap is both in the sealing position and in the open position.

45. The device of claim 44 wherein the first cap is pivotally connected to the second container with a hinge, wherein the hinge comprises a pin and a hinge member defining a hinge cavity configured to receive the pin.

46. The device of claim 45 wherein the pin is secured to inhibit rotation of the pin,
wherein the pin has a pin cross section geometry and the hinge cavity has a cavity cross section geometry,
wherein the hinge cavity has a cavity wall and is configured to permit relative rotation between the cavity wall and the pin when the first cap moves between the sealing position and the open position, and
wherein the pin cross section geometry and the cavity cross section geometry are configured so that one of no stress and a first stress is exerted between the pin and the cavity wall when the first cap is in the open position, and so that a second stress is exerted between the pin and the cavity wall when the first cap is in the sealing position, wherein the second stress is greater than the one of the no stress and the first stress.

47. The device of claim 46 wherein the pin is constructed of a material having a first hardness and the hinge member is constructed of a material having a second hardness that is different than the first hardness.

48. The device of claim 46 wherein the pin cross section geometry and the cavity cross section geometry each define a shape that is generally elongated and has two generally arcuate-shaped sides connected by two generally linearly-shaped sides,

wherein the pin cross section geometry includes an imaginary pin cross section longitudinal axis and the cavity cross section includes an imaginary cavity cross section longitudinal axis,

wherein the imaginary pin cross section longitudinal axis is oriented generally normal to the imaginary cavity cross section longitudinal axis when the cap is in the sealed position, and

wherein the imaginary pin cross section longitudinal axis is generally aligned with the imaginary cavity cross section longitudinal axis when the cap is in the open position.

49. An insert for use with a baby bottle, wherein the baby bottle includes a nipple and a first container defining a first chamber and further defining a first container opening leading into the first chamber, the insert comprising:

a second container defining a second chamber;

an actuating cap configured for attachment to the second container; and

an operating member coupled to the actuating cap,

wherein at least a portion of the second container is configured to be inserted into the first container opening,

wherein the second container has a proximate end and a distal end, wherein the second container further defines a second container proximate opening located at the proximate end and leading into the second chamber, and a second container distal opening located at the distal end and leading into the second chamber, and wherein the second container comprises:

a first cap configured to enclose the second container proximate opening and configured for movement from a sealing position to an open position and for movement from the open position to the sealing position, wherein the first cap is coupled to the second container when the first cap is both in the sealing position and in the open position,

wherein the actuating cap is configured to cover the second container distal opening and wherein at least a portion of the actuating cap is configured for movement between a cap first position and a cap second position;

wherein the actuating cap is further configured to be disposed adjacent to the nipple and wherein the at least a portion of the actuating cap is configured to move between the cap first position and the cap second position in response to an external force applied to the nipple;

wherein the operating member is configured to be moved by the actuating cap when the at least a portion of the actuating cap moves between the cap first position and the cap second position, and wherein the operating member is further configured to move the first cap from the sealing position to the open position upon movement by the actuating cap, and

wherein the first and second chambers are in a first state when the first cap is in the sealing position, wherein the first and second chambers are in a second state when the first cap is in the open position, wherein the first state is the first and second chambers being sealed from one another, and wherein the second state is the first and second chambers being in communication with one another.

50. The insert of claim 49 wherein the second container further includes a ledge and a latch configured to engage the ledge, and wherein the operating member is configured to move the latch.

51. The insert of claim 50 wherein the ledge is disposed within the second chamber, wherein the latch includes an engagement member configured to engage the ledge and a flexible member coupled to the engagement member and disposed generally normally to the engagement member, and wherein the operating member is configured to bend the flexible member thereby moving the engagement member and permitting movement of the first cap from the sealing position to the open position.

52. The insert of claim 49 wherein the baby bottle is for use with a first substance and a second substance and wherein the actuating cap defines a plurality of actuating cap holes configured to permit the first and second substances to flow through the plurality of actuating cap holes.

53. The insert of claim 49 wherein the first container, the second container and the first cap are configured so that the first and second chambers can alternate a plurality of times between the first state and the second state during normal usage.

54. The insert of claim 49 wherein each of the first container and the second container is configured for disassembly and re-assembly a plurality of times during normal usage.

55. The insert of claim 49 wherein first container opening is configured to be sealed closed when the at least a portion of the second container is inserted into the first container opening and when the first cap is in the sealing position.

56. The insert of claim 49 wherein the movement of the operating member is by an axial force having no rotary component.

57. The insert of claim 49 wherein the operating member is a rod, wherein the actuating cap further comprises a sleeve, and wherein the rod is configured to mate with the sleeve.

58. The insert of claim 49 wherein the first cap is pivotally connected to the second container when the first cap is both in the sealing position and in the open position.

59. The insert of claim 49 wherein the first cap is pivotally connected to the second container with a hinge, and wherein the hinge comprises a pin and a hinge member defining a hinge cavity configured to receive the pin.

60. The insert of claim 59 wherein the hinge is disposed within the second container and wherein at least a portion of the first cap falls within an imaginary envelope formed by the second chamber when the first cap is in the open position.

61. The insert of claim 59 wherein the pin is secured to inhibit rotation of the pin,
wherein the pin has a pin cross section geometry and the hinge cavity has a cavity cross section geometry,
wherein the hinge cavity has a cavity wall and is configured to permit relative rotation between the cavity wall and the pin when the first cap moves between the sealing position and the open position, and
wherein the pin cross section geometry and the cavity cross section geometry are configured so that one of no stress and a first stress is exerted between the pin and the cavity wall if the first cap is in the open position, and so that a second stress is exerted between the pin and the cavity wall if the first cap is in the sealing position, wherein the second stress is greater than the one of the no stress and the first stress.

62. The insert of claim 61 wherein the pin is constructed of a material having a first hardness and the hinge member is constructed of a material having a second hardness that is different than the first hardness.

63. The insert of claim 61 wherein the pin cross section geometry and the cavity cross section geometry each define a shape that is generally elongated and has two generally arcuate-shaped sides connected by two generally linearly-shaped sides,
wherein the pin cross section geometry includes an imaginary pin cross section longitudinal axis and the cavity cross section includes an imaginary cavity cross section longitudinal axis,

wherein the imaginary pin cross section longitudinal axis is oriented generally normal to the imaginary cavity cross section longitudinal axis if the cap is in the sealed position, and

wherein the imaginary pin cross section longitudinal axis is generally aligned with the imaginary cavity cross section longitudinal axis if the cap is in the open position.

64. A device for holding a first substance and a second substance, the device comprising:

a first container defining a first chamber for containing the first substance;

a second container defining a second chamber for containing the second substance, wherein the first and second containers are configured so that at least a portion of the second container can be inserted into the first container, wherein the second container defines a second container opening leading into the second chamber, and wherein the second chamber is configured to be in communication with the first chamber via the second container opening when the second container is inserted into the first container; and

means for alternately closing and opening the second container opening a plurality of times, wherein the first and second chambers are not in communication with one another when the second container opening is closed and wherein the first and second chambers are in communication with one another when the second container opening is opened.

65. A method of using a baby bottle for mixing a first substance and a second substance, the method comprising:

placing the first substance into the baby bottle through a bottle opening defined by the baby bottle;

placing the second substance into a second container, wherein the second container defines a container proximate opening and a container distal opening, and

wherein the second container is configured for use with a first cap configured to cover the container proximate opening;

placing an actuating cap over the container distal opening;

inserting at least a portion of the second container into the bottle opening thereby positioning the first cap within the baby bottle;

pushing a nipple that is configured to cover the actuating cap and that is disposed adjacent to the actuating cap; and

moving the actuating cap in response to the pushing of the nipple thereby moving an operating member which in turn opens the first cap.

66. The method of claim 65 wherein the actuating cap defines a plurality of actuating cap holes configured to permit the first substance and the second substance to pass through the plurality of actuating cap holes.

67. The method of claim 65 wherein the second container further includes a ledge and wherein the first cap includes a latch configured to engage the ledge, and wherein the operating member is configured to move the latch.

68. The method of claim 67 wherein the ledge is disposed within the second container, wherein the latch includes an engagement member configured to engage the ledge and a flexible member coupled to the engagement member and disposed generally normally to the engagement member, and wherein the operating member is configured to bend the flexible member thereby moving the engagement member and permitting the first cap to open.

69. The method claim 65 wherein the actuating cap includes a sleeve and wherein the operating member is a rod, the method further comprising:

inserting the rod into the sleeve.

70. The method claim 69 wherein the baby bottle and the second container are configured for disassembly and re-assembly a plurality of times during normal usage.

71. The method claim 65 wherein the first cap has a sealing position and an open position, and wherein the first cap is pivotally connected to the second container when the first cap is both in the sealing position and in the open position.

72. The method claim 71 wherein the first cap is pivotally connected to the second container with a hinge, wherein the hinge comprises a pin and a hinge member defining a hinge cavity configured to receive the pin.

73. The method claim 72 wherein the pin is secured to inhibit rotation of the pin,
wherein the pin has a pin cross section geometry and the hinge cavity has a cavity cross section geometry,
wherein the hinge cavity has a cavity wall and is configured to permit relative rotation between the cavity wall and the pin when the first cap moves between the sealing position and the open position, and
wherein the pin cross section geometry and the cavity cross section geometry are configured so that one of no stress and a first stress is exerted between the pin and the cavity wall if the first cap is in the open position, and so that a second stress is exerted between the pin and the cavity wall if the first cap is in the sealing position, wherein the second stress is greater than the one of the no stress and the first stress.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,371	05/12/2009	Brian L. Bullard	8702-94308	1459

22242 7590 08/06/2010
FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER
COLLADO, CYNTHIA FRANCISCA

ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
08/06/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

In re Application of	:	
BULLARD, BRIAN L. et al	:	DECISION ON REQUEST TO
Application No. 12/464,371	:	PARTICIPATE IN PATENT
Filed: May 12, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 8702-94308	:	PROGRAM AND PETITION
For: APPARATUS AND METHOD FOR THE SEPARATE STORAGE AND MIXING OF SUBSTANCES	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 5, 2010 to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Anthony Stashick, the SPE of Art Unit 3781, and (571)272-4561 for Class 215/11 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application will be docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS TX 75374-1715

In re Application of	:	
DIORIO, et al	:	
Application No. 12/464,453	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. SECR-29,853	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 12, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because Petitioner has not complied with current USPTO requirements as set forth in 37 CFR 10.40. In this regard, the Office requires the practitioner(s) requesting withdrawal to certify that he, she or they have:

(1) given reasonable notice to the client, prior to the expiration of the response period, that practitioner(s) intends to withdraw from employment;

(2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and

(3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40(c).

Petitioner has not complied with items (1) and (2) of the above-identified certifications.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: PETER A. DIORIO
17250 KNOLL TRAIL #1502
DALLAS TX 75248

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HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS TX 75374-1715

In re Application of	:	
DIORIO, et al	:	
Application No. 12/464,453	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. SECR-29,853	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 23, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because the signature of the withdrawing practitioner has been omitted.

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: PETER A. DIORIO
17250 KNOLL TRAIL #1502
DALLAS TX 75248

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In re Application of	:	
DIORIO, et al	:	
Application No. 12/464,453	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. SECR-29,853	:	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 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Gregory M. Howison on behalf of the attorneys of record associated with Customer No. 25883.

The attorneys of record associated with Customer No. 25883 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: PETER A. DIORIO
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/464,453	05/12/2009	Peter A. DiOrio	SECR-29,853

CONFIRMATION NO. 1609

POWER OF ATTORNEY NOTICE

25883
HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

OC000000050390630

Date Mailed: 10/14/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/28/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

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.
12/464,476	05/12/2009	George Liang	2009P05456US	1647

28524 7590 11/29/2011
SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER
MANDALA, MICHELLE

ART UNIT	PAPER NUMBER
2829	

MAIL DATE	DELIVERY MODE
11/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

Applicant: Liang
Appl. No.: 12/464,476
Filing Date: May 12, 2009
Title: TURBINE BLADE WITH SINGLE TIP RAIL WITH A MID-POSITIONED DEFLECTOR PORTION
Attorney Docket No.: 2009P05456US
Pub. No.: US 2010/0290920 A1
Pub. Date: November 18, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on November 16, 2011, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 12/02/2011 KKING1
11/16/2011 INTEFSW 00010369 192179 12464476
01 FC:1504 300.00 CR

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DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

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OFFICE OF PETITIONS

In re Application of	:	
KOZLENKO, Richard L.	:	
Application No. 12/464,551	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. 6309.002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) and (2) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then an updated Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

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/
Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PHEMACEUTICA**
25 SAVANNAH AVE.
SANSEIMO CA 94960

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PO BOX 16370
OKLAHOMA CITY OK 73113

In re Application of	:	
KOZLENKO, Richard L.	:	
Application No. 12/464,551	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. 6309.002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 07, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then an updated Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

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/
Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PHEMACEUTICA**
25 SAVANNAH AVE.
SANSEIMO CA 94960

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

MAILED

SEP 08 2011

OFFICE OF PETITIONS

In re Application of
Richard L. Kozlenko
Application No. 12/464,551
Filed: May 12, 2009
Attorney Docket No. 6309.002

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 17, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request to Withdraw as attorney or agent of record, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest, who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: DANIEL R. DEBROUSE
103624 SOUTH 3369 ROAD
MEEKER, OK 74855

UNITED STATES 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 20,2011

In re Application of :

Richard Kozlenko

Application No : 12464551

Filed : 12-May-2009

Attorney Docket No : 6309.002

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF 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 20,2011

The request is **APPROVED.**

The request was signed by Douglas J. Sorocco (registration no. 43145) on behalf of all attorneys/agents associated with Customer Number 30589 . All attorneys/agents associated with Cusotmer Number 30589 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	Richard L. Kozlenko
Name2	
Address 1	21 Solar Court
Address 2	
City	San Rafael
State	CA
Postal Code	94901
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 **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	12464551
Filing Date	12-May-2009
First Named Inventor	Richard Kozlenko
Art Unit	1616
Examiner Name	ABIGAIL FISHER
Attorney Docket Number	6309.002
Title	COMPOSITIONS AND METHODS FOR CONTROLLING LIPID METABOLISM

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 30589

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(vi)

Certifications

☒ 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

☒ 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

☒ 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	Richard L. Kozlenko
Address	21 Solar Court
City	San Rafael
State	CA
Postal Code	94901
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/douglasjsorocco/
Name	Douglas J. Sorocco
Registration Number	43145

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.
12/464,576	05/12/2009	Xiaoqiang LI	HW704862	1860

7590 11/30/2011
Leydig, Voit & Mayer, Ltd
(for Huawei Technologies Co., Ltd)
Two Prudential Plaza Suite 4900
180 North Stetson Avenue
Chicago, IL 60601

EXAMINER
HOLLIDAY, JAIME MICHELE

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
11/30/2011	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.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

PTO/SB/20PCT-FI (01-11)
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 NATIONAL BOARD OF PATENTS AND REGISTRATION OF FINLAND (NBPR) AND THE USPTO

Application No:	12/464,584	Filing date:	May 12, 2009
First Named Inventor:	Jason Xiaobo Zhao		
Title of the Invention:	Hierarchically-Organized Control Galleries		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/34277

The international filing date of the corresponding PCT application(s) is/are: May 10, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] 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).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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 PCT-PPH PILOT PROGRAM BETWEEN THE NBPR AND THE USPTO

(continued)

Application No.:	12/464,584
First Named Inventor:	Jason Xiaobo Zhao

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on April 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 _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-3	1-3	Claims are identical except for numerical references that refer to the drawings in the PCT application
4		US Claim 4 is patentable because it is dependent upon claim 2, which the ISR has deemed patentable in corresponding PCT claim 2.
5	4	Claims are identical except for numerical references that refer to the drawings in the PCT application
6	5	Claims are identical except for numerical references that refer to the drawings in the PCT application
7	6	Claims are identical except for numerical references that refer to the drawings in the PCT application
8	7	Claims are identical except for numerical references that refer to the drawings in the PCT application
9	8	Claims are identical except for numerical references that refer to the drawings in the PCT application
10		US Claim 10 is patentable because it is dependent upon claim 1, which the ISR has deemed patentable in corresponding PCT claim 1.
11	9	Claims are identical except for numerical references that refer to the drawings in the PCT application
12	10	US claims 12 and 14 are combined in PCT claim 10, which also includes numerical references that refer to the drawings.
13		US Claim 13 is patentable because it is dependent upon claim 1, which the ISR has deemed patentable in corresponding PCT claim 1.
14	10	US claims 12 and 14 are combined in PCT claim 10, which also includes numerical references that refer to the drawings.
15	11	Claims are identical except for numerical references that refer to the drawings in the PCT application
16	12	Claims are identical except for numerical references that refer to the drawings in the PCT application
17	13	Claims are identical except for numerical references that refer to the drawings in the PCT application
18	14	Claims are identical except for numerical references that refer to the drawings in the PCT application
19		US Claim 19 is patentable because it is dependent upon claim 15, which the ISR has deemed patentable in corresponding PCT claim 15.
20	15	Claims are identical except for numerical references that refer to the drawings in the PCT application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /James R. Banowsky/	Date April 22, 2011
Name (Print/Typed) James R. Banowsky	Registration Number 37,773

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT

First Named Inventor: Jason Xiaobo Zhao
Application No.: 12/464,584
Filed: May 12, 2009
Customer No.: 27488
Title: Hierarchically-Organized Control Galleries

Attorney Docket No.: 14917.1275US01
Group Art Unit: 2175
Examiner: LONG, ANDREA NATAE
Confirmation Number: 1874

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

Statement on Request for Participation in the PCT-Patent Prosecution Highway Pilot Program

Dear Sir:

Applicant states that the independent claims in the PCT application are identical to the independent claims in the US application. There are four dependent claims, however, that were omitted or combined with another dependent claim in the PCT application. Because their respective independent claim is deemed patentable by their respective international search report, applicant respectfully requests the dependent claims in the US application also be considered.

Additionally, applicant would like to bring to attention the formatting differences in the PCT claims, specifically the numerical references that refer to the drawings. For your convenience, a copy of the claims in the PCT application is included.

Accordingly, applicant requests the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: April 22, 2011

By: /James R. Banowsky/

Atty: James R. Banowsky
Reg. No.: 37,773
Direct telephone: (425) 705-3539
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

April 24, 2011
Date

/Eric Matt/
Eric Matt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,584	05/12/2009	Jason Xiaobo Zhao	14917.1275US01	1874

27488 7590 06/13/2011
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER
NABI, REZA U

ART UNIT	PAPER NUMBER
2175	

MAIL DATE	DELIVERY MODE
06/13/2011	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

MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of: ZHAO et al.
Application No. 12/464,584
Attorney Docket #: 14917.1275US01
Filed: May 12, 2009
For: HIERARCHICALLY-ORGANIZED CONTROL GALLERIES

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 24, 2011 to make the above-identified application special.

The petition is **DISMISSED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the

"Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition fails to meet item 4 of the requirements listed above. An action on the merits was mailed in this application on May 27, 2011.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FENNEMORE CRAIG
3003 NORTH CENTRAL AVENUE
SUITE 2600
PHOENIX AZ 85012

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Opie et al.	:	DECISION ON PETITION
Application No. 12/464,586	:	TO WITHDRAW
Filed: May 12, 2009	:	FROM RECORD
Attorney Docket No. 11637.042	:	

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 3, 2011, 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 Rodney J. Fuller 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 Rodney J. Fuller not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed October 27, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

MAILED
APR 16 2012
OFFICE OF PETITIONS

In re Patent No. 8,033,800 :
Issue Date: October 11, 2011 :
Application No. 12/464,623 : ON PETITION
Filed: May 12, 2009 :
Attorney Docket Number: 44449-1 :

This is a decision on the petition, filed March 20, 2012, under, 37 CFR 1.182, requesting the issuance of duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

Since it is U.S. Patent and Trademark Office practice to assure mailing of all papers on the date indicated, there is a strong presumption that papers duly addressed and indicated as mailed, such as the Letters Patent in this application, are timely delivered to the addressee. To overcome this presumption, a verified statement with supporting evidence, such as any records which would disclose the receipt of other correspondence mailed from the U.S. Patent and Trademark Office on or about October 11, 2011, but fail to disclose receipt of the Letters Patent mailed on that date, should be promptly submitted. Further, copies of records on which receipt of the Letters Patent would have been entered had it been received are required.

However, if the loss of the Letters Patent was not the fault of the U.S. Patent and Trademark Office or if petitioner simply wishes to avoid overcoming the above-noted presumption, a petition may be filed under 37 CFR 1.182 accompanied by a petition fee of $400.00 requesting a duplicate Letters Patent. Upon receipt of the petition and petition fee, the request for a duplicate Letters Patent will be granted.

As the petition and a fee of $400.00, charged to the credit card provided, have been received, the petition is granted.

A copy of this decision is being forwarded to Office of Data Management for issuance of a duplicate Letters Patent.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to the undersigned Senior Petitions Attorney at (571) 272-3212. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to the Office of Data Management at (703) 308-9250.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc: Ollie Person (Fax – (571) 270-9764)
Kimberly Terrell (Fax – (571) 270-9958)

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.
12/464,625	05/12/2009	Ken HATANO	SUTOSH.394AUS	1955

20995 7590 04/22/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
LEE, THOMAS C

ART UNIT	PAPER NUMBER
2115	

NOTIFICATION DATE	DELIVERY MODE
04/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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P.O. Box 1450
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www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: Ken HATANO
Application No. 12/464,625
Attorney Docket #: **SUTOSH.394AUS**
Filed: May 12, 2009
For: **INFORMATION PROCESSING APPARATUS AND WAKE-UP 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 March 21, 2011 to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BANNER & WITCOFF, LTD.
1100 13th STREET NW, SUITE 1200
WASHINGTON, DC 20005-4051

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of	:	
John T. STITES, et *al.*	:	
Application No. 12/464,649	:	DECISION GRANTING PETITION
Filed: May 12, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **007625.01227**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 3, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 27, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3711 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

MAILED
SEP 20 2010
OFFICE OF PETITIONS

In re Application of	:	
John T. Stites, et al.	:	
Application No. 12/464,657	:	DECISION GRANTING PETITION
Filed: May 12, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 007625.01232	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 17, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 24, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3711 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
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
JUN 15 2011
OFFICE OF PETITIONS

In re Application of	:	
DeVilliers et al.	:	DECISION ON PETITION
Application No. 12/464,670	:	TO WITHDRAW
Filed: May 12, 2009	:	FROM RECORD
Attorney Docket No. 022031-000311US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED**.

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 21971 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.

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/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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VEDER PRICE P.C.
222 N. LaSalle Street
Chicago, IL 60601

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Peter Salerno	:	
Application No. 12/464,672	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. 40211 00 0004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 4, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Veder Price, P.C. has been revoked by the applicant of the patent application on April 6, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **KELLEY & KRAUSE, L.P.**
1000 Jorie Boulevard
Suite 144
Oak Brook, IL 60523

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SQUIRE, SANDERS & DEMPSEY (US) LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO CA 94111-3356

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Jinzhong Peng et al. :
Application No. 12/464,687 : DECISION ON PETITION
Filed: May 12, 2009 :
Attorney Docket No. 088644.00056 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed January 21, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on April 22, 2011. A Notice of Abandonment was mailed on May 6, 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAZEN PATENT GROUP, LLC
1534 W. ISLANDIA DRIVE
GILLBERT, AZ 85233

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of :
Vladimir BALAKIN :
Application No. 12/464,816 : DECISION ON PETITION TO MAKE
Filed: May 12, 2009 : SPECIAL UNDER 37 CFR 1.102(c)(1)
Attorney Docket No. **PTOT0003** :
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 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 the certification of attorney Kevin Hazen attesting to the age of inventor Vladimir Balakin. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-2800.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to Technology Center Art Unit 2881 for processing commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BRIAN CALLANAN
653 AUBURN AVE
BUFFALO NY 14222

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Brian Joseph CALLANAN	:	
Application No. 12/464,824	:	DECISION ON PETITION
Effective Date: May 12, 2009	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed August 28, 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 October 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings previously filed February 20, 2010, (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of August 28, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

This application is being referred to the Office Patent Application Processing.

Michelle R. Eason
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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Alexandria, VA 22313-1450
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SANDRA LEE LIPKIN
P.O. BOX 3518
VENTURA, CA 93006-3518

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Lisa W. CRONIN :
Application No. 12/464,862 : ON PETITION
Filed: May 12, 2004 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 28, 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 29, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3).

With respect to item (3): The statement of unintentional delay, filed November 3, 2009, cannot be considered as complying with the provisions of 37 CFR 1.137(b) because it does not contain the required signature.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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
12/464,862	05/12/2009		

CONFIRMATION NO. 2427

POA ACCEPTANCE LETTER

SANDRA LEE LIPKIN
P.O. BOX 3518
VENTURA, CA 93006-3518

OC000000044811679

Date Mailed: 12/06/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/08/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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SANDRA LEE LIPKIN
P.O. BOX 3518
VENTURA, CA 93006-3518

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Lisa W. CRONIN	:	
Application No. 12/464,862	:	ON PETITION
Filed: May 12, 2004	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2010, to revive the above-identified application.

The petition is **GRANTED**

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 28, 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 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees and a properly signed declaration; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This matter is being referred to the Office of Data Management for further processing.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: WESLEY B. AMES
7031 LOS VIENTOS SARENOS
ESCONDIDO, CA 92029

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

MAILED
JUL 07 2011
OFFICE OF PETITIONS

In re Application of:
LIN, CHIA-LIANG
Serial No.: 12/464,895
Filed: May 13, 2009
Attorney Docket No.: REAP0594USA4

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected formal drawings on or before May 11, 2011, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed February 11, 2011. Accordingly, the date of abandonment of this application is May 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings; (2) the petition fee of $1620.00; and (3) a proper statement of unintentional delay.

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

This application is being referred to the Office of Data Management for processing into a patent.

Christopher Bottorff
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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Paper No.

MAILED

APR 26 2011

OFFICE OF PETITIONS

Raj Abhyanker, P.C.
1580 West, El Camino Real,
Suite 8
Mountain View CA 94040

In re Application of :
Roy et al. :
Application No. 12/464,897 : LETTER REGARDING
Filed: May 13, 2009 : FEE DEFICIENCY PAYMENT
Atty Docket No. 00107.00004US1:

This is in response to the paper styled "CORRECTING ERRORS IN SMALL ENTITY STATUS" filed March 15, 2011, which is properly treated as a notification of loss of entitlement to small entity status.

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.

This letter includes an itemization of the fee deficiencies and payment as required by 37 CFR 1.28(c)(2)(ii).

Your notification of a loss of entitlement to small entity status is made of record and your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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DRINKER BIDDLE & REATH (DC)
1500 K STREET NW, SUITE 1100
WASHINGTON, DC 20005-1209

MAILED

DEC 29 2010

OFFICE OF PETITIONS

In re Application of
Harumichi MORI, et *al.*
Application No. 12/465,006
Filed: May 13, 2009
Attorney Docket No. **46884-5540-02**
(438322)

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 29, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 30, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2884 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA VA 22314

MAILED

AUG 02 2011

OFFICE OF PETITIONS

In re Application of
Joseph B. Lee
Application No. 12/465,009
Filed: May 13, 2009
Attorney Docket No. K&L-004-US

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 28, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3654 for action on the merits commensurate with this decision.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/465,039	05/13/2009	Naoki Fujii	MNL-2635-782	2777

7590 12/09/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
MARC-COLEMAN, MARTHE Y

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
12/09/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

AUG 15 2011

OFFICE OF PETITIONS

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of :
Shima, et al. : ON PETITION
Application No. 12/465,051 :
Filed: May 13, 2009 :
Attorney Docket No. **35281-703.401** :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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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.
12/465,063	05/13/2009	Takaaki Kuroda	J-09-0283	2821

71799 7590 02/24/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER
MATAR, AHMAD

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
02/24/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jackson.chen@necam.com
KENSAKU.SATO@NECAM.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of	:	
KURODA, TAKAAKI et al	:	DECISION ON REQUEST TO
Application No. 12/465,063	:	PARTICIPATE IN PATENT
Filed: May 13, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. J-09-0283	:	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 11, 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;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 6 above.

Regarding item 6, the IDS doesn't list JP 2007-166018 cited by the JPO examiner in the JPO action and a copy has not been submitted.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to 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

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.
12/465,063	05/13/2009	Takaaki Kuroda	J-09-0283	2821

71799 7590 03/16/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER
MATAR, AHMAD

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
03/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jackson.chen@necam.com
KENSAKU.SATO@NECAM.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of	:	
KURODA, TAKAAKI et al.	:	DECISION ON REQUEST TO
Application No. 12/465,063	:	PARTICIPATE IN PATENT
Filed: May 13, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. J-09-0283	:	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 March 1, 20011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Wellington Chin/

Wellington Chin
Quality Assurance Specialist
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09-29-11

TO SPE OF : ART UNIT 1714

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/465157 Patent No.: 7975338

CofC mailroom date: 1624

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

_____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE H. KORNAKOV **Art Unit** 1714

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09-29-11

TO SPE OF : ART UNIT 1714

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/465157 Patent No.: 7975338

CofC mailroom date: 1624

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE M. KORNAKOV **Art Unit** 1714

PTO/SB/20JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/465,194	Filing Date:	May 13, 2009
First Named Inventor:	Hiroyuki Mizuno		
Attorney Docket No.:	TMCT-14702/08		
Title of the Invention:	CONTROL SYSTEM FOR INTERNAL COMBUSTION ENGINE AND CONTROL METHOD FOR INTERNAL COMBUSTION ENGINE		

THIS REQUEST FOR PARTICIPATION IN THE PPH 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 PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The JPO/PCT application number(s) is/are: 2008-126257

The filing date of the JPO/ PCT application(s) is/are: May 13, 2008

I. **List of Required Documents:**

a. **A copy of the latest JPO office actions (other than "Decision to Grant a Patent"*) in the above-identified JPO application(s)**

[X] Is attached.

[ ] Is not attached because the JPO application was allowed in a first office action.

*It is not necessary to submit a copy of the "Decision to Grant a Patent" and an English translation thereof.

b. **A copy of all claims which were determined to be patentable by the JPO in the above-identified JPO application(s).**

[X] Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language). An accuracy statement for the English translation of the documents in a. above is not required if the English translation is a machine translation provided by the JPO.**

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

[X] Is attached.

[ ] Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

[X] Are attached.

[ ] Have already been filed in the above-identified U.S. application on _____

PTO/SB/20JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

(continued)

Application No.:	12/465,194
First Named Inventor:	Hiroyuki Mizuno

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JPO Application	Explanation regarding the correspondence
Claim 1	Claim 1	US claim 1 sufficiently corresponds to allowable/patentable JP claim 1.
Claim 2--Canceled		
Claim 3--Canceled		
Claim 4--Canceled		
Claim 5	Claim 2	US Claim 5 sufficiently corresponds to allowable/patentable JP claim 2.
Claim 6--Canceled		
Claim 7--Canceled		
Claim 8	Claim 3	US claim 8 sufficiently corresponds to allowable/patentable JP claim 3.
Claim 9	Claim 4	US claim 9 sufficiently corresponds to allowable/patentable JP claim 4.
Claim 10	Claim 5	US claim 10 sufficiently corresponds to allowable/patentable JP claim 5
Claim 11--Canceled		

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

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.

Signature	/Cesare A. Sclafani/	Date	September 29, 2010
Name (Print/Typed)	Cesare A. Sclafani	Registration Number	59,587

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/465,194	05/13/2009	Hiroyuki Mizuno	TMCT-14702/08	3088

25006 7590 10/01/2010
GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

EXAMINER
WOLFE JR, WILLIS RAY

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
10/01/2010	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.

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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

In re Application of	:	
MIZUNO, HIROYUKI et al	:	DECISION ON REQUEST TO
Application No. 12/465,194	:	PARTICIPATE IN PATENT
Filed: May 13, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. TMCT-14702/08	:	PROGRAM AND PETITION
Title: CONTROL SYSTEM FOR INTERNAL COMBUSTION ENGINE AND CONTROL METHOD FOR INTERNAL COMBUSTION ENGINE	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Sep. 30, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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 Stephen Cronin, the SPE of Art Unit 3747, and 571-272-4536 for Class 701/102 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Sutton McAughan Deaver, PLLC
3 Riverway, Suite 900
Houston, TX 77056

MAILED
MAR 22 2012
OFFICE OF PETITIONS

In re Application of	:	
Anton F. Zahradnik, et. al.	:	
Application No. 12/465,377	:	DECISION ON PETITION
Filed: May 13, 2009	:	TO WITHDRAW FROM
Attorney Docket No. 0016422-251US	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed March 7, 2012.

The request is **APPROVED**.

The request was signed by D. Brit Nelson on behalf of himself and all the attorneys/agents associated with Customer Number 22904. Therefore, D. Brit Nelson and all the attorneys/agents associated with Customer Number 22904 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed March 12, 2012, that requires a reply from the applicant.

All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 29 2010

OFFICE OF PETITIONS

DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402

In re Application of :
Landsman, et al. :
Application No. 12/465,449 : ON PETITION
Filed: May 13, 2009 :
Attorney Docket No. T312.101.102 :
For: RECIPIENT VERIFICATION SYSTEMS AND METHODS OF USE, INCLUDING PATIENT IDENTIFICATION

This is a decision on the petition under 37 CFR 1.137(b), filed July 26, 2010, to revive the above-identified application under the unintentional delay standard.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application, mailed May 26, 2009, which set a two month extendable period for reply. Applicants were required to submit an executed declaration, replacement drawings, and a surcharge. In addition, it was noted that Figures 49C and 49D described in the specification appeared to have been omitted. On July 27, 2009, applicants filed an executed declaration, replacement drawings, the surcharge, and a preliminary amendment addressing the typographical error in the "Brief Description of the Drawings" section of the specification. On August 6, 2009, the Office mailed a Notice of Incomplete Reply which acknowledged receipt of the July 27, 2009 filing and asserted that Figures 249A and 49D appeared to have been omitted. On October 6, 2009, applicants filed a substitute specification and a statement regarding the lack of new matter in the substitute specification. On January 20, 2010, the Office mailed a Notice of Abandonment.

Applicants have submitted a proper reply to the May 26, 2009 Notice in the form of an executed declaration, replacement drawings, a surcharge, a substitute specification, and a statement regarding the lack of new matter in the substitute specification, an acceptable statement of the unintentional nature of the delay in responding to the May 26, 2009 Notice, and the $810.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of
BECKING, Frank P. et al.
Application No. 12/465,475
Filed: May 13, 2009
Attorney Docket No. **20004.4028**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 16, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the address has been changed. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **NFOCUS NEUROMEDICAL, INC.**
ATTN: FRANK P. BECKING
SUITE 100
2191 EAST BAYSHORE ROAD
PALO ALTO CA 94303

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C. (DA)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
NOV 02 2011
OFFICE OF PETITIONS

Applicant: Bruce B. Roesner
Appl. No.: 12/465,516
Filing Date: May 13, 2009
Title: INTERROGATING RADIO FREQUENCY IDENTIFICATION (RFID) TAGS
Attorney Docket No.: 22465-0036001
Pub. No.: US 20100289623A1
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 18, 2011, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains errors.

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 indicated in the request filed January 18, 2011 are not material Office errors as required under 37 CFR 1.1221(b). The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the 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 Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12465768
Filing Date	14-May-2009
First Named Inventor	Adam Brune
Art Unit	3673
Examiner Name	BRITTANY WILSON
Attorney Docket Number	78192-007
Title	FOLDABLE COT

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.
- [x] 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	/Grant R. Clayton/
Name	Grant R. Clayton
Registration Number	32462

UNITED STATES 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 25,2011

In re Application of :

Adam Brune

Application No : 12465768

Filed : 14-May-2009

Attorney Docket No : 78192-007

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed October 25,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The 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.

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 the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

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): 12/465,772	Patent Number (if applicable):
First Named Inventor: Yamamoto et al.	Title of Invention: Determination Method and Instruments of Hexavalent Chromium

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as “Office communication”) is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
   a. The maintenance fee payment was required to have been paid after March 10, 2011.
   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).
   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /Alan E. Schiavelli/	Date 6/8/2011
Name (Print/Typed) Alan E. Schiavelli	Practitioner Registration Number 32,087

***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*.*

☐ *Total of _____ forms are submitted.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
JUN 13 2011
OFFICE OF PETITIONS

In re Application of	:	
Yamamoto et al.	:	
Application No. 12/465,772	:	DECISION ON PETITION
Filed: May 14, 2009	:	
Attorney Docket No. 1021.49885X00	:	

This is a decision on the request filed June 8, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on February 14, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1777 for re-mailing the Office action of February 14, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/465,786	05/14/2009	Kazuyuki Suzuki	5825-50-1U	4392

87520 7590 09/20/2011
Myrexis, Inc.
c/o CPA Global
P.O. Box 52050
Minneapolis, MN 55402

EXAMINER
DUFFY, PATRICIA ANN

ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
09/20/2011	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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 20 2011

Intellectual Property Group
MYREXIX, INC.
305 Chipeta Way
Salt Lake City, UT 84108

In re Application of
Suzuki et al.
Serial No.: 12/465,786
Filed: May 14, 2009
Attorney Docket No.: 5825-50-1U

Decision on Petition

This letter is in response to the Petition of August 12, 2011 under 37 CFR 1.144 to request the reconsideration of the treatment of claims withdrawn in view of a restriction requirement.

BACKGROUND

On May 14, 2009, the present application was filed as a continuation to international application PCT/US07/84612, filed on November 14, 2007, which claims priority to U.S. provisional application 60/865758 filed on November 14, 2006. The present application was filed with 24 claims.

On April 30, 2010, the Examiner issued a Requirement for Restriction ("Requirement") requiring an election of one of elective Groups I or II, and an election of species requiring election of a chemical structure by way of electing particular R groups in the chemical formula presented in the claims.

It is noted that the Requirement identified claim 1 as generic to the species of Group 1. Page 4. The Requirement also properly indicated on page 5 that "[u]pon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141."

On July 30, 2010, the Applicant elected Group I, and a particular chemical species, which species is identified in claim 9.

A first action on the merits (First Action) was mailed on October 18, 2010. In the first action, the Examiner withdrew claims 16-24 as being drawn to a non-elected invention; and withdrew claims 10-12 as being drawn to non-elected species. Page 2. The action then rejected claims 1-9 and 13-15 on various grounds under 35 USC § 112, first paragraph, rejected claims 1-8 and 13-15as anticipated by prior art under 35 USC § 102(b), and rejected claim 9 as obvious over prior art under 35 USC § 103(a).

A Response was submitted by the Applicant on January 18, 2011 in which the Applicant presented arguments with respect to the rejections of record, and requested rejoinder of withdrawn claims on the basis that the elected invention is free of the art.

In the Final action of May 12, 2011, the Examiner acknowledged that claim 9 was free of the prior art, but maintained the art rejection (as well as the rejections under 35 USC 112) over claims 1-8 and 13-15.

On August 12, 2011, the Applicant submitted the Petition, a Notice of Appeal, and a Pre-Appeal Brief Conference Request. In the Petition, the Applicant requests that withdrawn claims 10-12 be rejoined on the basis that MPEP § 803.02 requires that, upon a finding that the elected species is free of the prior art, examination be extended to additional species until a particular species is either determined to be anticipated or rendered obvious by the prior art, or determined to be free of prior art.

DISCUSSION

The application, file history, and petition filed on February 4, 2011 to request review of the restriction requirement has been considered.

As indicated above, in the Requirement, the examiner noted that "[u]pon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141."

This is in conformance with the species election practice as set forth in MPEP §§ 821 and 821.04. Section 821 states that "[c]laims held to be drawn to nonelected inventions, including claims drawn to nonelected species or inventions that may be eligible for rejoinder, are treated as indicated in MPEP § 821.01 through § 821.04." This section of the MPEP also indicates that "[a]ll claims that the examiner holds as not being directed to the elected subject matter are withdrawn from further consideration by the examiner in accordance with 37 CFR 1.142(b)."

MPEP section 808.01(a), which is directed to situations where a species election is required and where a generic claim is present, indicates that the application should be treated as described in MPEP §§ 809 and 821.04(a).

MPEP § 821.04 states that the "propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention(s) should be considered for rejoinder. Similarly, MPEP § 809 states that "[w]hen all claims directed to the elected invention are allowable, should any linking claim be allowable, the restriction between the linked inventions must be withdrawn." This section of the MPEP also indicates that a linking claim includes genus claims linking species claims, and thus refers to situations, such as in the

present case, where there is a generic claim the encompassed both the elected species (claim 9- found free of the prior art) and the non-elected species of claims 10-12.

According to the restriction practice set forth in these sections of the MPEP, the examiner is not required to extend examination to the non-elected species of claims 10-12 until each of the claims directed to the elected species, including generic claims, are found free of the prior art.

As an art rejection has been maintained against the generic claims, the examiner is not required to specifically search and examine the non-elected species of claims 10-12.

The Applicant asserts that rejoinder of the non-elected claims is required under MPEP § 803.02. However, this section of the MPEP specifically addresses the treatment of species within a Markush claim, i.e. a form of generic claim which specifically lists the various species as alternatives within a single claim.

Such is not the situation in the present case. The species of claims 10-12 are in separate claims from the species identified as free of the art in claim 9. Thus, MPEP § 803.02 is does not apply to the present situation.

DECISION

For these reasons above, the petition under 37 C.F.R. 1.181 is **DENIED**.

A request for reconsideration for this petition decision should be filed under 37 CFR 1.181 within 2 months of the mailing date of this decision.

Should there be any questions regarding this decision, please contact Supervisory Patent Examiner Zachariah Lucas, 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 703-872-9306.

George C. Elliott

George Elliott
Director, Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 9, 2012

TO SPE OF : ART UNIT 2876 SPE Michael G. Lee.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/465,794 Patent No.: 8,049,751 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Should the applicant's request to insert the references at Item (56) on the title page of patent be approved?
See COCIN dated 1-23-2012

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
X Approved in Part	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: change requested under foreign patent and NPL should be denied since no copies were provided. This was raised in the first OA, and Applicant did not submit copies.

_____ _____ **SPE__/Michael G. Lee/_____** **Art Unit 2876_____**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 9, 2012

TO SPE OF : ART UNIT 2876 SPE Michael G. Lee.

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/465,794 Patent No.: 8,049,751 B2

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FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Should the applicant's request to insert the references at Item (56) on the title page of patent be approved?
See COCIN dated 1-23-2012

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: These references were disclosed in the parent application.

_____ _____ **SPE /Michael G. Lee/** **Art Unit 2876**

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.
12/465,797	05/14/2009	Takashi ICHINOSE	09316/LH	4417

7590 01/25/2011
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
01/25/2011	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 Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of :
Scott H. Galit, et al. :
Application No.: 12/465,803 : ON PETITION
Filed: May 14, 2009 :
Attorney Docket No.: 058052.000004.014C :

This is a decision on the petition, filed March 8, 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 1, 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 3691 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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23690
ROCHE DIAGNOSTICS OPERATIONS INC.
9115 Hague Road
Indianapolis, IN 46250-0457

MAILED

MAR 28 2011

PCT LEGAL ADMINISTRATION

In re Application of
HORSCH *et al*
Application No.: 12/465,825
Filing Date: May 14, 2009
Attorney Docket No.: 24039 US-pd/c
For: DIAGNOSTIC MEANS AND METHODS USING TROPONIN T AND NT-PROBNP

DECISION

This is a decision on the "Petition to Accept Unintentionally Delayed Claim for Priority Under 35 U.S.C. §§119(e), 120, 121 and 365(c)" filed October 29, 2010 which is treated as a petition under 37 CFR 1.55(c).

The petition is hereby **DISMISSED** without prejudice.

The present nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant petition fails to comply with item (2) above.

A review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet in accordance with 37 CFR 1.76(b)(6). Unless provided in an application data sheet, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent or inventor's certificate for which priority is claimed under 37 CFR 1.55, and any foreign applications having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *See* MPEP § 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign applications noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

Further correspondence may be filed electronically via EFS-Web or should be addressed as follows:

By mail: Mail Stop PCT
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0459
ATTN: PCT Legal Administration

Any questions concerning this matter may be directed to James Thomson at (571) 272-3302.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

23690
ROCHE DIAGNOSTICS OPERATIONS INC.
9115 Hague Road
Indianapolis, IN 46250-0457

MAILED

JUN 16 2011

PCT LEGAL ADMINISTRATION

In re Application of :
HORSCH *et al* :
Application No.: 12/465,825 :
Filing Date: May 14, 2009 :
Attorney Docket No.: 24039 US-pd/c :
For: DIAGNOSTIC MEANS AND METHODS :
USING TROPONIN T AND :
NT-PROBNP :

DECISION

This is a decision on the renewed petition under 37 CFR 1.55(c) filed April 12, 2011.

The present nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

As previously noted, a petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

Applicants failed to comply with item (2) in the initial petition as the priority information

was not included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). All other requirements of 37 CFR 1.55(c) were satisfied.

In the renewed petition, applicants submitted an ADS listing the appropriate foreign references. All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **granted**.

A Corrected Filing Receipt which reflects the above-noted foreign application accompanies this decision on petition.

This matter is being referred to Technology Center AU 1797 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Any questions concerning this matter may be directed to James Thomson at (571) 272-3302.

Boris Milef
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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IPxLAW GROUP, LLP
95 SOUTH MARKET STREET
SUITE 570
SAN JOSE, CA 95113

MAILED
DEC 05 2011
OFFICE OF PETITIONS

In re Application of
Stephen M. Beccue, et al.
Application No. 12/465,890
Filed: May 14, 2009
Attorney Docket No. 321-3700US

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 2011, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. 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. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 12, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 12, 2011. Accordingly, the date of abandonment of this application is October 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $870 and the publication fee of $300, (2) the petition fee of $930; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 27 2010

OFFICE OF PETITIONS

STEPTOE & JOHNSON, PLLC
400 WHITE OAKS BOULEVARD
BRIDGEPORT, WV 26330

In re Application of
Luke Hannah
Application No. 12/465,933
Filed: May 14, 2009
Attorney Docket No. 373910/00001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 29, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Michael B. Pallay on behalf of himself. Michael B. Pallay has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of	:	
LAROIA et al.	:	
Application No. 12/465,938	:	DECISION ON PETITIONS UNDER
Filed: 05/14/2009	:	37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No. 090006	:	

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed December 27, 2011, to accept an unintentionally delayed claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The intermediate nonprovisional application must have been pending at the time of filing of the reference to the prior-filed provisional applications as required by 37 CFR 1.78(a)(5)(ii). Further, the intermediate nonprovisional application claiming the benefit of the prior-filed

provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) and under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the claim under 35 U.S.C. 120 and 119(e) for the benefit of the prior-filed applications accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2816 for consideration by the examiner of the claim under 35 U.S.C. 120 and 119(e) of the prior-filed nonprovisional application and provisional application.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/465,938	05/14/2009	2816	1310	090006	20	4

CONFIRMATION NO. 4722

CORRECTED FILING RECEIPT

23696
QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

OC000000051844185

Date Mailed: 01/06/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Rajiv Laroia, Bridgewater, NJ;
Junyi Li, Chester, NJ;
Saurabh Tavildar, Jersey City, NJ;
Xinzhou Wu, Monmouth Junction, NJ;
Aleksandar Jovicic, Piscataway, NJ;

Assignment For Published Patent Application

QUALCOMM Incorporated, San Diego, CA

Power of Attorney: The patent practitioners associated with Customer Number 23696

Domestic Priority data as claimed by applicant

This application is a CIP of 12/123,266 05/19/2008
which claims benefit of 60/948,977 07/10/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/21/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/465,938**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHODS AND APPARATUS FOR SUPPORTING COMMUNICATION OVER DIFFERENT RANGES IN A WIRELESS NETWORK

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA GA 30339

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Patent No. 8,016,476 :
Issue Date : September 13, 2011 :
Application No. 12/465,951 : ON PETITION
Filed: May 14, 2009 :
Attorney Docket No. 252317-1210 :

This is a decision on the petition, filed October 25, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a statement that the assignment was submitted for recordation before issuance of the patent. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

---

[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA GA 30339

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Patent No. 8,016,476 :
Issue Date : September 13, 2011 :
Application No. 12/465,951 : ON PETITION
Filed: May 14, 2009 :
Attorney Docket No. 252317-1210 :

This is a decision on the petition, filed December 20, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The Office acknowledges petitioner's statement that the assignment was submitted for recordation prior to the issuance of the patent. However, a review of the Office record indicates the requested correction was not submitted for recordation prior to issuance of the above-identified patent. Accordingly, the request under 37 CFR 3.81(b) cannot be granted at this time.

---

[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA GA 30339

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Patent No. 8,016,476	:	
Issue Date : September 13, 2011	:	
Application No. 12/465,951	:	ON PETITION
Filed: May 14, 2009	:	
Attorney Docket No. 252317-1210	:	

This is a decision on the petition, filed February 2, 2012, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman K. Page
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II and Official Gazette of June 22, 2004

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	12465970
Filing Date	14-May-2009
First Named Inventor	Ronald Blum
Art Unit	4115
Examiner Name	LESLIE COBURN
Attorney Docket Number	027798-000610US
Title	Device for Inductive Charging of Implanted Electronic Devices

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20350

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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

☒ 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

☒ 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	Ocular Optics, Inc.
Address	5241 Valleypark Drive
City	Roanoke
State	VA
Postal Code	24019
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/John McGroarty/
Name	John McGroarty
Registration Number	41186

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 10,2011

In re Application of :

Ronald Blum

Application No : 12465970

Filed : 14-May-2009

Attorney Docket No : 027798-000610US

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 10,2011

The request is **APPROVED.**

The request was signed by John McGroarty (registration no. 41186) on behalf of all attorneys/agents associated with Customer Number 20350 . All attorneys/agents associated with Cusotmer Number 20350 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	Ocular Optics, Inc.
Name2	
Address 1	5241 Valleypark Drive
Address 2	
City	Roanoke
State	VA
Postal Code	24019
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/465,986	05/14/2009	Shogo Kameyama	RYM-2018-2302	4839

23117 7590 10/25/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
COLUCCI, MICHAEL C

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
10/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	
Shogo KAMEYAMA	**: DECISION ON REQUEST TO**
Application No.: 12/465,986	**: PARTICIPATE IN THE PATENT**
Filed: 14 May 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: RYM-2018-2302	**: PROGRAM AND PETITION**
For: APPARATUS FOR PROVIDING	**: TO MAKE SPECIAL UNDER**
INFORMATION FOR 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 05 October 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 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 <u>not</u> 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);

Conditions (1-3) and (5-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4).

Regarding the requirement of condition (4), examination of the U.S. application has begun. An action on the merits was mailed 13 October 2011. Since this condition cannot be overcome, the request and petition are DENIED.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

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.
12/466,050	05/14/2009	Daichi Nakamura	4386.84674	4986

24978 7590 12/22/2010
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

ART UNIT	PAPER NUMBER
1747	

MAIL DATE	DELIVERY MODE
12/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES 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 22 2010

CST

In re application of Daichi Nakamura Serial No. 12/466,050 Filed: May 14, 2009 For: PNEUMATIC TIRE	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 5, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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

(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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

MAILED
JAN 13 2011
OFFICE OF PETITIONS

Applicant: Brunner, et al.
Appl. No.: 12/466,057
Filing Date: May 14, 2009
Title: Method For Producing An Electricity Sensing Device
Attorney Docket No.: 1033300-000227
Pub. No.: US 2010/0090678 A1
Pub. Date: April 15, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 13, 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 assignee's name "Vacuumschmelze GmbH & Co. KG" is incorrectly listed as "Vacuuschmelze GmbH & Co."

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 instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the assignment information. The application was published with the assignment information provided on the application data sheet.[2]

Applicants should not file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130. An error in assignment information 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.

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] See 37 CFR 1.215, MPEP 1122.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on May 13, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

On June 3, 2009, and December 16, 2009, Filing Receipts were mailed by the Office, which listed the assignee'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.

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

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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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of
Victor V. Gogolak
Application No. 12/466,124
Filed: May 14, 2009
Attorney Docket No. **597932000320**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 14, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *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 inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-FI (01-11)
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 NATIONAL BOARD OF PATENTS AND REGISTRATION OF FINLAND (NBPR) AND THE USPTO

Application No:	12/466,125	Filing date:	May 14, 2009
First Named Inventor:	Christopher Michael Maloney		
Title of the Invention:	DISPLAYING TRANSITION IMAGES DURING A SLIDE TRANSITION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/34404

The international filing date of the corresponding PCT application(s) is/are: May 11, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] 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).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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 PCT-PPH PILOT PROGRAM BETWEEN THE NBPR AND THE USPTO

(continued)

Application No.:	12/466,125
First Named Inventor:	Christopher Michael Maloney

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on April 11, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on April 11, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-9	1-9	Claims are identical except for numerical references that refer to the drawings in the PCT application
10		US Claim 10 is patentable because it is dependent upon claim 9, which the ISR has deemed patentable in corresponding PCT claim 9.
11		US Claim 11 is patentable because it is dependent upon claim 10, which the ISR has deemed patentable through its dependence on PCT claim 9.
12	10	Claims are identical except for numerical references that refer to the drawings in the PCT application
13		US Claim 13 is patentable because it is dependent upon claim 9, which the ISR has deemed patentable in corresponding PCT claim 9.
14		US Claim 14 is patentable because it is dependent upon claim 10, which the ISR has deemed patentable through its dependence on PCT claim 9.
16	11	Claims are identical except for numerical references that refer to the drawings in the PCT application
17	12	Claims are identical except for numerical references that refer to the drawings in the PCT application
18		US Claim 18 is patentable because it is dependent upon claim 17, which the ISR has deemed patentable in corresponding PCT claim 12.
19	13	Claims are identical except for numerical references that refer to the drawings in the PCT application
20	14	Claims are identical except for numerical references that refer to the drawings in the PCT application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /James R. Banowsky/	Date April 25, 2011
Name (Print/Typed) James R. Banowsky	Registration Number 37,773

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

MICROSOFT CORPORATION

Attn - Virginia Coggan (vcoggan) LCA - International Patents
One Microsoft Way - 8/1188 Redmond Washington 98052-6399 USA

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing *(day/month/year)* 30 NOVEMBER 2010 (30.11.2010)

Applicant's or agent's file reference
326981-02

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US2010/034404

International filing date *(day/month/year)*
11 MAY 2010 (11.05.2010)

Applicant

MICROSOFT CORPORATION

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 . 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest, the applicant will be notified as soon as a decision is made.

4. **Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-8752

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

http://www.kipo.go.kr/en/ => PCT Services => PCT Services

ID : PCT international application number
PW : **HMDJUPHH**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: http://www.ipkcenter.com
Email: ipkc@ipkcenter.com
Phone: +1 703 388 1066
Fax: +1 703 388 1084

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 326981-02	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2010/034404	International filing date *(day/month/year)* 11 MAY 2010 (11.05.2010)	(Earliest) Priority Date *(day/month/year)* 14 MAY 2009 (14.05.2009)
Applicant MICROSOFT CORPORATION		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language**, the international search was carried out on the basis of :
      ☒ the international application in the language in which it was filed
      ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title**,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. With regard to the **drawings**,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 4
      ☒ as suggested by the applicant.
      ☐ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/034404

A. CLASSIFICATION OF SUBJECT MATTER

G06F 3/14(2006.01)i, G06F 9/44(2006.01)i

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G06F 3/14; G06F 3/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) & Keywords: "presentation", "image", "transition ", "slide", "transfer", "period"

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2005-0177794 A1 (TAKAKI KAMEYAMA et al.) 11 August 2005 See abstract; figures 2-4; paragraphs [0041]-[0046]; claims 1-10.	1-15
A	KR 10-2003-0022756 A (LINK PLUS, INC.) 17 March 2003 See abstract; figures 3a-6d; claims 1-4, 9.	1-15
A	JP 2008-135026 A (SHARP CORP.) 12 June 2008 See abstract; figures 1-6; paragraphs [0035]-[0036].	1-15
A	US 5640522 A1 (PAUL WARRIN) 17 June 1997 See abstract; figures 3-4; claims 1-5.	1-15
A	US 2002-0140746 A1 (ULLAS GARGI) 03 October 2002 See abstract; figures 2-4; claim 1.	1-15

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents,such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
29 NOVEMBER 2010 (29.11.2010)	**30 NOVEMBER 2010 (30.11.2010)**
Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer HAN, Seon Kyoung Telephone No. 82-42-481-8523

Form PCT/ISA/210 (second sheet) (July 2009)

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2010/034404

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2005-0177794 A1	11.08.2005	JP 04-290028 B2	10.04.2009
		JP 2005-223710 A	18.08.2005
		JP 2005-223733 A	18.08.2005
		US 2008-0295034 A1	27.11.2008
		US 7418662 B2	26.08.2008
KR 10-2003-0022756 A	17.03.2003	None	
JP 2008-135026 A	12.06.2008	None	
US 5640522 A1	17.06.1997	None	
US 2002-0140746 A1	03.10.2002	EP 1374026 A2	02.01.2004
		JP 04-252312 B2	08.04.2009
		JP 2004-526255 A	26.08.2004
		TW 224753 B	01.12.2004
		US 6915489 B2	05.07.2005
		WO 2002-079967 A3	01.05.2003

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
MICROSOFT CORPORATION

Attn - Virginia Coggan (vcoggan) LCA - International Patents
One Microsoft Way - 8/1188 Redmond Washington 98052-6399 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)* **30 NOVEMBER 2010 (30.11.2010)**

Applicant's or agent's file reference
326981-02

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/034404	**11 MAY 2010 (11.05.2010)**	14 MAY 2009 (14.05.2009)

International Patent Classification (IPC) or both national classification and IPC

G06F 3/14(2006.01)i, G06F 9/44(2006.01)i

Applicant

MICROSOFT CORPORATION

1. This opinion contains indications relating to the following items:

- [X] 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
- [X] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	29 NOVEMBER 2010 (29.11.2010)	HAN, Seon Kyoung Telephone No.82-42-481-8523

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY	International application No. PCT/US2010/034404

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of :

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. a sequence listing filed or furnished
   ☐ on paper
   ☐ in electronic form

   b. time of filing or furnishing
   ☐ contained in the international application as filed.
   ☐ filed together with the international application in electronic form.
   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/034404

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-15	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-15	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:
D1: US 2005-0177794 A1
D2: KR 10-2003-0022756 A
D3: JP 2008-135026 A
D4: US 5640522 A
D5: WO 2002-079967 A2

D1 describes that when one of image data recorded in a storage medium is selected by an operation of a user, a reproduction module executes reproduction for display of the image data, and upon a user transfer instruction and acceptance of the instruction by a queue, a communication module transfers image data to an external apparatus, and when one of other image data recorded in the storage medium is selected by a user operation in the course of a transfer process of the image data by the communication module, the reproduction module executed a reproduction process on the selected other image data.

D2 describes a sliding method for showing the web document in which the web browser does web browsing from the web server to the slider shape in screen.

D3 describes an image retrieval apparatus for searching a desired picture easily from the stored image of two or more sheets, and the recording medium which the image retrieval apparatus can read.

D4 describes a method for previewing transition effects between pairs of images, wherein a transition effect previewing program enables a user to preview a transition effect assigned to a pair of images within a presentation.

D5 describes a method for browsing images by arranging images in partially overlapping fashion and generating a second-level image for each overlapped image that is contacted by a user-manipulated cursor.

Continued on Supplemental Box

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of :

Box V

(1) Novelty and Inventive Step

Claims 1-15
Claim 1 discloses a computer-implemented method for transitioning between slides, comprising: starting a presentation of slides that are within a presentation; obtaining transition images; wherein the transition images comprise images of slides within the presentation; receiving a transition indication of a transition between a display of a current slide and a next slide during the presentation; selecting transition images to display during a transition period between the display of the current slide and the display of the next slide; displaying the selected transition images during the transition period.

Claim 9 disclose a computer-readable storage medium having computer-executable instructions for displaying transition images of slides within a presentation during a transition perios between a display of current slide and nest slide.

Claim 12 discloses a system for displaying transition images during a presentation, comprising: a processor and computer-readable medium; an input component configured to receive input; a display configured to display images relating to a presentation; a transition manager that is coupled to the input component and the displaythat is configured to perform actions using the processor.

However, none of the documents D1-D4 teach or fairly suggest displaying transition images during a slide transition, which is the technical feature of claims 1, 9 and 12. Therefore, the inventions of claims 1, 9 and 12 are considered to be novel under PCT Article 33(2).

Moreover, displaying transition images during a slide transition, which is the technical feature of claims 1, 9 and 12, is not obvious to a person skilled in the art and is not suggested in the prior art. Therefore, the inventions of claims 1, 9 and 12 are considered to involve an inventive step under PCT Article 33(3).

Accordingly, claims 2-8, 10-11 and 13-15 which are dependent on claims 1, 9 and 12, are also considered to have novelty and inventive step under PCT Article 33(2) and (3).

(2) Industrial Applicability

The present invention has industrial applicability under PCT Article 33(4).

PATENT

First Named Inventor: Christopher Michael Maloney
Application No.: 12/466,125
Filed: May 14, 2009
Customer No.: 27488
Title: DISPLAYING TRANSITION IMAGES DURING A SLIDE TRANSITION

Attorney Docket No.: 14917.1286US01
Group Art Unit: 2171
Examiner: DRAGOESCU, CLAUDIA B
Confirmation Number: 5158

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

Statement on Request for Participation in the PCT-Patent Prosecution Highway Pilot Program

Dear Sir:

Applicant states that the independent claims in the PCT application sufficiently correspond to the independent claims in the US application. There are five dependent claims, however, that were omitted or combined with another dependent claim in the PCT application. Because their respective independent claim is deemed patentable in the international search report, applicant respectfully requests the dependent claims in the US application also be considered.

Additionally, applicant would like to bring to attention the formatting differences in the PCT claims, specifically the numerical references that refer to the drawings. For your convenience, a copy of the claims in the PCT application is included.

Accordingly, applicant requests the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: April 25, 2011

By: /James R. Banowsky/

Atty: James R. Banowsky
Reg. No.: 37,773
Direct telephone: (425) 705-3539
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

April 25, 2011
Date

/Eric Matt/
Eric Matt

Claims

1. A computer-implemented method for transitioning between slides, comprising:

starting a presentation of slides that are within a presentation (410);

obtaining transition images (420); wherein the transition images comprise images of slides within the presentation;

receiving a transition indication of a transition between a display of a current slide and a next slide during the presentation (430);

selecting transition images (450) to display during a transition period between the display of the current slide and the display of the next slide; wherein the transition images include images from at least two of the slides within the presentation; and

displaying the selected transition images (460) during the transition period.

2. The method of Claim 1, wherein obtaining the transition images comprising creating a transition image (530) for each of the slides within the presentation.

3. The method of Claim 1, further comprising caching a portion of the transition images (540).

4. The method of Claim 3, further comprising caching at least some of the portion of the transition images at different resolutions (520).

5. The method of Claim 4, wherein a resolution is selected for each of the portion of the transition images based on a display distance from the current slide (520).

6. The method of Claim 3, wherein selecting the transition images comprises selecting at least one transition image of a slide before the current slide and at least another transition image of a slide after the current slide (450).

7. The method of Claim 2, wherein caching the portion of the transition images comprises beginning caching at the current slide and then caching slides both in a forward display direction from the current slide and a backwards display direction from the current slide (301-312).

8. The method of Claim 2, wherein displaying the selected transition images during the transition period comprises displaying the selected transition images according to a transition concept that provides an animation of the selected transition images (610, 620, 630).

9. A computer-readable storage medium having computer-executable instructions for displaying transition images of slides within a presentation during a transition period between a display of a current slide and a next slide, comprising:

receiving a transition indication of a transition between a display of the current slide and the next slide during the presentation (410);

selecting transition images to display during the transition period between the display of the current slide and the display of the next slide (450); wherein the selected transition images include images created from at least two of the slides within the presentation; wherein the transition images comprise a transition image for each of the slides within the presentation; wherein a portion of the transition images are cached and wherein at least some of the portion of the transition images at different resolutions; and

displaying the selected transition images (460) during the transition period.

10. The computer-readable storage medium of Claim 9, wherein a resolution is selected for each of the portion of the transition images based on a display distance from the current slide (520).

11. The computer-readable storage medium of Claim 10, further comprising re-sampling one or more of the cached transition images to a different resolution in response to a change in a current slide (560).

12. A system for displaying transition images during a presentation, comprising:

a processor (5) and a computer-readable medium (14);

an input component configured to receive input (28);

a display configured to display images relating to a presentation (28);

a transition manager (26) that is coupled to the input component and the display that is configured to perform actions using the processor comprising:

receiving a transition indication of a transition between a display of a current slide and a next slide during the presentation (410);

selecting transition images to display during the transition period between the display of the current slide and the display of the next slide (450); wherein the transition images comprise a transition image for each of the slides within the presentation; wherein the transition images are cached; wherein at least some of the transition images are cached at different resolution; and

displaying the selected transition images (460)during the transition period.

13. The system of Claim 12, wherein selecting the transition images comprises selecting at least one transition image of a slide before the current slide and at least another transition image of a slide after the next slide (301-312).

14. The system of Claim 12, further comprising re-sampling one or more of the cached transition images to a different resolution in response to a change in a current slide (560).

15. The system of Claim 12, wherein displaying the selected transition images during the transition period comprises displaying the selected transition images according to a transition concept that provides an animation of the selected transition images (610, 620, 630).

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.
12/466,125	05/14/2009	Christopher Michael Maloney	14917.1286US01	5158

27488 7590 07/08/2011
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER
DRAGOESCU, CLAUDIA B

ART UNIT	PAPER NUMBER
2171	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of: MALONEY et al.
Application No.: 12/466,125
Docket #: **14917.1286US01**
Filed: May 14, 2009
For: DISPLAYING TRANSITION IMAGES DURING A SLIDE TRANSITION

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway **(PCT-PPH)** pilot program and the petition under 37 CFR 1.102(a), filed April 25, 2011, to make the above- identified application special.

The petition is **DENIED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a national stage entry of the corresponding PCT 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 (l)(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 program and petition are found to not comply with the above requirements, since a first action on the merits was mailed on June 23, 2011.

Accordingly, the Petition is **DENIED.**

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES 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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YEN JUNG SUNG
30-47 37 ST.
ASTORIA NY 11103

MAILED
JAN 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Yu et al.	:	DECISION ON PETITION
Application Number: 12/466205	:	
Filing Date: 05/14/2009	:	
Attorney Docket Number: Twipo-018-97A-11-354-442P	:	

This is a decision on the renewed petition filed on September 19, 2010, under 37 CFR 1.137(a), to revive the above-identified application.

The petition is again **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)."

The application became abandoned on July 28, 2009, for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application mailed on May 27, 2009, which set a two (2)-month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 3, 2010. The petition filed on May 10, 2010, was dismissed on July 27, 2010.

On September 19, 2010, the subject renewed petition was filed.

Petitioners again assert that the delay was unavoidable because petitioner's previous patent practitioner, Bruce Troxell (hereinafter "Troxell"), did not pay the fees due in the Notice to File Missing Parts mailed on May 27, 2009, despite having received the fee from applicants. Petitioner asserts that Troxell misrepresented that the filing fees had been paid to the USPTO when, in fact the fees had not been paid, and, that Troxell, rather than paying the fee to the USPTO, had misappropriated it.

In support, petitioners have provided documentation that a remittance of $10,000, was sent to Troxell's bank account, dated

April 30, 2009, as well as an email to Troxell, referencing the April 30, 2009, remittance and requesting that, *inter alia*, the filing fees for the subject application be paid. Petitioners have also provided an email from Troxell in reference to a payment made on August 20, 2008, in which Troxell acknowledges receipt of a remittance for the filing of other patent applications.

A 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. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The petition lacks item (3).

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".[1] 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

[1] 35 U.S.C. § 133.

> 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.[2]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[5] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

The showing of record is that petitioners *intended* (a) to send the $10,000 remittance to Troxell on April 30, 2009, and (b) that Troxell pay the filing fee in the subject application. Petitioners have not presented, however, sufficient information to conclude that the remittance of April 30, 2009, and the email containing the instructions to pay the filing fees in the subject application, were *actually received* by Troxell. In this regard, the email from Troxell to petitioners stating receipt of the payment and instructions appears to be in reference to a payment made on August 20, 2008, and does not list the subject application.

Petitioners must provide evidence, in a renewed petition, that the remittance of April 30, 2009, was actually transferred to Troxell's bank account, and that Troxell acknowledged receipt of

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[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

the payment and instructions to pay the filing fee in the subject application.

As petitioners have not supplied sufficient evidence that Troxell received the remittance, and acknowledged the instructions to pay the filing fee(s) in the subject application, the petition must be again dismissed. However, such dismissal is without prejudice to reconsideration pending submission of the required information.

ALTERNATIVE VENUE

Petitioner may wish 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),
>
> (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.
>
> (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 (small entity) petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed using the EFS-Web system of the USPTO.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional)

First named inventor: _____

Application No.: _____ Art Unit: _____

Filed: _____ Examiner: _____

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional

1. Petition Fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $_____for a small entity or $_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Type or Printed name	Registration Number, If applicable
Address	Telephone Number
Address	

Enclosures:

☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov
DIW May-11

JACKSON INTELLECTUAL PROPERTY GROUP PLLC
106 STARVALE LANE
SHIPMAN VA 22971

MAILED

MAY 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Yu et al.	:	DECISION ON PETITION
Application Number: 12/466,205	:	
Filing Date: 05/14/2009	:	
Attorney Docket Number:	:	
7000.411	:	

This is a decision on the twice renewed petition filed on March 17, 2011, under 37 CFR 1.137(a), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on July 28, 2009, for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application mailed on May 27, 2009, which set a two (2)-month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 3, 2010. The petition filed on May 10, 2010, was dismissed on July 27, 2010. The renewed petition filed on September 19, 2010, was dismissed on January 27, 2011.

The application is restored to pending status.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/466270
Application Title:	*Two-Dimensional Touch Sensors*
First Named Inventor:	Peter Sleeman
Filing Date:	14 May 2009
Confirmation No.:	5488
Art Unit:	2629
Examiner:	Bipin H. Shalwala

Petition to Make Special Under 37 C.F.R. § 1.102

Applicant submits this Petition under 37 C.F.R. § 1.102 to have this Application accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at* http://www.uspto.gov/patents/init_events/brs_conditions.pdf):

a) Applicant seeks special status for this Application on the basis of the express abandonment of co-pending U.S. Patent Application No. 12/423622;

b) Applicant includes with this Petition a copy of the Declaration of Abandonment of U.S. Patent Application No. 12/423622;

c) The relationship between this Application and U.S. Patent Application No. 12/423622 that qualifies this Application for special status is this Application and U.S. Patent Application No. 12/423622 having a common assignee, Atmel Corporation;

d) Applicant is expressly abandoning U.S. Patent Application No. 12/423622;

e) Applicant certifies that Applicant has not filed petitions in more than 14 other applications requesting special status under this program; and

f) Applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of this Application to be made special are directed to two or more independent and distinct inventions.

Conclusion

Applicant respectfully petitions the Office to accord this Application special status. The Commissioner may charge any fee due and credit any overpayment for this Application to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

Travis W. Thomas
Reg. No. 48,667

Date: 18 May 2011

Customer No. 12323

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/423622
Application Title:	*Receiving Circuit, Use, and Method for Receiving in a Radio Network*
First Named Inventor:	Thomas Hanusch
Filing Date:	14 April 2009
Confirmation No.:	8878
Art Unit:	2816
Examiner:	William Hernandez

Declaration of Abandonment Under 37 C.F.R. § 1.138(a)

Applicant hereby expressly abandons this Application to have co-pending U.S. Patent Application No. 12/466270 accorded special status under the Extension of the Patent Application Backlog Reduction Stimulus Plan. Extension of the Patent Application Backlog Reduction Stimulus Plan, 75 Fed. Reg. 71,072 (Nov. 22, 2010). Under the conditions for being accorded special status under the Patent Application Backlog Reduction Stimulus Plan (*available at* http://www.uspto.gov/patents/init_events/brs_conditions.pdf), Applicant states:

a) Applicant has not and will not file an application that claims the benefit of U.S. Patent Application No. 12/423622 under any provision of Title 35 of the United States Code;

b) Applicant agrees not to request a refund of any fees paid in U.S. Patent Application No. 12/423622; and

c) Applicant has not filed and will not file a new application that claims the same invention claimed in U.S. Patent Application No. 12/423622 (with the phrase "same invention" having the same meaning as used in the context of statutory double-patenting under 35 U.S.C. § 101).

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

Travis W. Thomas
Reg. No. 48,667

Date: 17 May 2011

Customer No. 12323

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Baker Botts L.L.P.
2001 Ross Avenue, 6th Floor
Dallas TX 75201

MAILED

JUN 01 2011

OFFICE OF PETITIONS

In re Application of :
SLEEMAN, et al. :
Application No. 12/466,270 :
Filed: May 14, 2009 :
Attorney Docket No. **080900.0210** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed May 20, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES 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.

HONEYWELL/FOX ROTHSCHILD
Patent Services
101 Columbia Road
Morristown NJ 07962

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OFFICE OF PETITIONS

In re Application of	:	
Kopkalli et al.	:	
Application No. 12/466,271	:	DECISION ON PETITION
Filing Date: May 14, 2009	:	UNDER 37 C.F.R. § 1.78(A)(3)
Attorney Docket No.: H0016265 -	:	
4511	:	
Title: METHOD FOR PRODUCING	:	
FLUORINATED ORGANIC COMPOUNDS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(3), filed January 4, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed non-provisional application set forth in an amendment to the specification that was filed concurrently with this petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question

whether the delay was unintentional.

37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

Requirements (2) and (3) above have been satisfied. The petition does not satisfy item (1) above.

Pursuant to Rule 1.78(a)(2)(iii), the required reference must be included in an application data sheet, or the specification must contain or be amended to contain such reference in the first sentence(s) following the title. Consequently, Petitioner has submitted an amendment to the specification, so as to present the required reference.

However, the amendment to the specification cannot be entered as the reference to add prior-filed non-provisional application number 11/619,592 in the second sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed non-provisional application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 (or 35 U.S.C. § 365(c)) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 (or 35 U.S.C. § 365(c)) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Any reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.78(a)(3)," **and should include an amendment to the specification that does not incorporate by reference prior-filed non-provisional application number 11/619,592.**

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[1] hand-delivery,[2] or facsimile.[3] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[4]

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 deciding official.

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[5]

Anthony Knight
Director
Office of Petitions

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300: please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MAILED
MAY 19 2011
OFFICE OF PETITIONS

HONEYWELL/FOX ROTHSCHILD
Patent Services
101 Columbia Road
Morristown NJ 07962

In re Application of	:	
Kopkalli et al.	:	
Application No. 12/466,271	:	DECISION ON RENEWED PETITION
Filing Date: May 14, 2009	:	UNDER 37 C.F.R. § 1.78(A)(3)
Attorney Docket No.: H0016265 -	:	
4511	:	
Title: METHOD FOR PRODUCING	:	
FLUORINATED ORGANIC COMPOUNDS	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.78(a)(3), filed March 4, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed non-provisional application set forth in an amendment to the specification that was filed concurrently with this renewed petition. A supplement to this renewed petition was filed on May 2, 2011.

The renewed petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) and the date

> the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional. Since the statements contained in the original petition, the renewed petition, and the supplement to the renewed petition vary from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statements are being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii) and Petitioner must notify the Office if this is not a correct interpretation of the statements.

An original petition under 37 CFR § 1.78(a)(3) was filed on January 4, 2011, along with the surcharge and a statement that is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii). The original petition under 37 CFR § 1.78(a)(3) was dismissed via the mailing of a decision on February 23, 2011, which indicated that the above requirements (2) and (3) had been satisfied, and that the first above requirement had not been satisfied as the concurrently submitted amendment to the specification is not acceptable as drafted since it improperly incorporates by reference prior-filed non-provisional application no. 11/619,592.

With the supplement to this renewed petition, Petitioner has submitted an acceptable amendment. As such, the third above requirement has been satisfied.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of this petition to accept the delayed benefit claim to the prior-filed application pursuant to 37 C.F.R. § 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 C.F.R. §§ 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that Applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the Examiner will, in

due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

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 Senior Attorney Paul Shanoski at (571) 272-3225.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Anthony Knight
Director
Office of Petitions

ATTACHMENT : 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/466,271	05/14/2009	1621	1220	H0016265 - 4511	20	3

CONFIRMATION NO. 5489

CORRECTED FILING RECEIPT

91970
HONEYWELL/FOX ROTHSCHILD
Patent Services
101 Columbia Road
Morristown, NJ 07962

OC000000047506349

Date Mailed: 05/18/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Haluk Kopkalli, Staten Island, NY;
Yuon Chiu, Denville, NJ;
Hsueh Sung Tung, Getzville, NY;

Assignment For Published Patent Application

HONEYWELL INTERNATIONAL INC., Morristown, NJ

Power of Attorney: The patent practitioners associated with Customer Number 00128

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/053,647 05/15/2008
and is a CIP of 11/619,592 01/03/2007
which claims benefit of 60/755,485 01/03/2006
and is a CIP of 11/118,504 04/29/2005 PAT 7,371,904
which claims benefit of 60/567,426 04/29/2004
and claims benefit of 60/567,429 04/29/2004
and said 11/619,592 01/03/2007
is a CIP of 11/118,503 04/29/2005 PAT 7,345,209
which claims benefit of 60/567,427 04/29/2004
and claims benefit of 60/567,425 04/29/2004
and said 11/619,592 01/03/2007
is a CIP of 11/118,530 04/29/2005 PAT 7,189,884
which claims benefit of 60/567,428 04/29/2004

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 05/22/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/466,271**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD FOR PRODUCING FLUORINATED ORGANIC COMPOUNDS

Preliminary Class

570

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LANIER FORD SHAVER & PAYNE, PC
P O BOX 2087
HUNTSVILLE, AL 35804-2087

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of :
Steven William Mann :
Application No. 12/466,281 :
Filed: May 14, 2009 :
Attorney Docket No. 03-0558.30 :

ON PETITION

This is a decision on the petition, filed August 12, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on August 12, 2010. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

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. No additional petition fee is required.

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 concerning this decision should be directed to 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 for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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LANIER FORD SHAVER & PAYNE, PC
P O BOX 2087
HUNTSVILLE, AL 35804-2087

MAILED
DEC 15 2010
OFFICE OF PETITIONS

In re Application of
Steven William Mann
Application No. 12/466,281
Filed: May 14, 2009
Attorney Docket No. 03-0558.30

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition, filed October 11, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on May 14, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of February 24, 2010 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3611 for examination in due course.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/466,281	05/14/2009	Steven William Mann	03-0558.30

CONFIRMATION NO. 5515

21491
LANIER FORD SHAVER & PAYNE P.C.
P O BOX 2087
HUNTSVILLE, AL 35804-2087

NONPUBLICATION RESCISSION LETTER

OC000000044464768

Date Mailed: 11/12/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/24/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HARMAN - BRINKS HOFER INDY
Brinks Hofer Gilson & Lione
CAPITAL CENTER, SUITE 1100
201 NORTH ILLINOIS STREET
Indianapolis IN 46204-4220

MAILED
FEB 24 2012
OFFICE OF PETITIONS

In re Patent No. 8,077,873	: DECISION ON REQUEST
Shridhar, et al.	: FOR
Issue Date: December 13, 2011	: RECONSIDERATION OF
Application No. 12/466,282	: PATENT TERM ADJUSTMENT
Filed: May 14, 2009	: and
Atty Docket No. 11336/1981 (P09036US)	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on February 10, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred and fifty-seven (357) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by **three hundred and fifty-six (356) days** is **GRANTED to the extent indicated herein**.

It is noted that petitioner states that the reduction to the patent term adjustment under 37 CFR 1.704(c)(10) for the filing of an amendment under 37 CFR 1.312 on September 9, 2011, and an Information Disclosure Statement on October 4, 2011, is a total of 40 days. The reduction to the patent term adjustment under 37 CFR 1.704(c)(10) [1] is 41 days, with said period beginning on the date the amendment under 37 CFR 1.312 was filed, September 9, 2011, and ending on the date a response to the amendment under 37 CFR 1.312 and Information Disclosure Statement was filed, October 19, 2011. It is noted that the period of reduction to the patent term adjustment

[1] It is noted that 37 CFR 1.704(c)(10) provides that:

> Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:
>
> (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;
>
> or
>
> (ii) Four months;

under 37 CFR 1.704(c)(10) for the filing of the Information Disclosure Statement completely overlaps with the period of reduction for the filing of the amendment under 37 CFR 1.1312.

The periods of reduction of 25 days and 71 days are removed and a period of reduction of 41 days is being entered. The revised patent term adjustment is 356 days (397 days of Office delay – 41 days of applicant delay).

The Office acknowledges receipt of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred and fifty-six (356)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,077,873 B2

DATED : Dec. 13, 2011

INVENTOR(S) : Shridhar et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (301) days

Delete the phrase "by 301 days" and insert – by 356 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LANIER FORD SHAVER & PAYNE, PC
P O BOX 2087
HUNTSVILLE, AL 35804-2087

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Steven William Mann, et al.
Application No. 12/466,297
Filed: May 14, 2009
Attorney Docket No. 03-0558.31

ON PETITION

This is a decision on the petition, filed August 12, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on August 12, 2010. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

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. No additional petition fee is required.

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 concerning this decision should be directed to April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosure: Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f))

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DEC 22 2010

OFFICE OF PETITIONS

LANIER FORD SHAVER & PAYNE, PC
P O BOX 2087
HUNTSVILLE, AL 35804-2087

In re Application of Steven William Mann, et al. Application No. 12/466,297 Filed: May 14, 2009 Attorney Docket No. 03-0558.31	: : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition, filed October 11, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on May 14, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of March 10, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3611 for examination in due course.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/466,297	05/14/2009	Steven William Mann	03-0558.31

CONFIRMATION NO. 5565

21491
LANIER FORD SHAVER & PAYNE P.C.
P O BOX 2087
HUNTSVILLE, AL 35804-2087

NONPUBLICATION RESCISSION LETTER

OC000000044787604

Date Mailed: 12/06/2010

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 03/10/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomsen et al.	:	DECISION ON PETITION
Application No. 12/466,315	:	TO WITHDRAW
Filed: May 14, 2009	:	FROM RECORD
Attorney Docket No. 026808-005100US	:	

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 31, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by David A. Hall on behalf of all the practitioners of record associated with Customer Number 20350.

Customer Number 20350 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed March 25, 2011, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: AMERICAN POWER CONVERSION CORPORATION C/O SHANE HUNTER
GILLMAN CLARK LLC
176 FEDERAL STREET, 4TH FLOOR
BOSTON, MA 02110

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/466,315	05/14/2009	Ove Lyck Thomsen	026808-005100US

CONFIRMATION NO. 5598

POWER OF ATTORNEY NOTICE

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000047252370

Date Mailed: 04/20/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/31/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley-collier/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MAILED

AUG 12 2010

OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of	:	
Chris Goffinet, et al.	:	DECISION GRANTING STATUS
Application No. 12/466,321	:	UNDER 37 CFR 1.47(a)
Filed: May 14, 2009	:	
Attorney Docket No.: 324212025300	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 11, 2010.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. James J. DeCarlo appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. DeCarlo desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to Mr. DeCarlo, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED.**

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventors have refused or cannot be located to join in the filing of the above-identified application.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JAMES J. DECARLO
GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE, 20TH FLOOR
NEW YORK, NY 10166

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MR. JOHN A. SAMPSON
1747 8TH AVENUE, SUITE B
SAN FRANCISCO, CA 94122

MAILED
AUG 12 2010
OFFICE OF PETITIONS

In re Application of :
Chris Goffinet, et al. :
Application No. 12/466,321 : LETTER
Filed: May 14, 2009 :
Title: IDENTIFYING AND RECOMMENDING :
CONNECTIONS ACROSS MULTIPLE ONLINE :
SERVICES :

Dear Mr. Sampson:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MR. IAN KENNEDY
3271 THOMPSON AVENUE
ALAMEDA, CA 94501

MAILED
AUG 12 2010
OFFICE OF PETITIONS

In re Application of :
Chris Goffinet, et al. :
Application No. 12/466,321 : LETTER
Filed: May 14, 2009 :
Title: IDENTIFYING AND RECOMMENDING :
CONNECTIONS ACROSS MULTIPLE ONLINE :
SERVICES :

Dear Mr. Kennedy:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

AUG 12 2010

OFFICE OF PETITIONS

MR. TODD B. SAMPSON
1747 8TH AVENUE
SAN FRANCISCO, CA 94122

In re Application of	:	
Chris Goffinet, et al.	:	
Application No. 12/466,321	:	LETTER
Filed: May 14, 2009	:	
Title: IDENTIFYING AND RECOMMENDING	:	
CONNECTIONS ACROSS MULTIPLE ONLINE	:	
SERVICES	:	

Dear Mr. Sampson:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

UNITED STATES PATENT AND TRADEMARK OFFICE

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MR. RAYMUND R. RAMOS
2121 VALE ROAD #113
SAN PABLO, CA 94806

MAILED
AUG 12 2010
OFFICE OF PETITIONS

In re Application of
Chris Goffinet, et al.
Application No. 12/466,321
Filed: May 14, 2009
Title: IDENTIFYING AND RECOMMENDING CONNECTIONS ACROSS MULTIPLE ONLINE SERVICES

LETTER

Dear Mr. Ramos:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND OR 97229

MAILED

DEC 30 2010

OFFICE OF PETITIONS

In re Application of	:	
David G. AVIV	:	
Application No. 12/466,340	:	DECISION ON PETITION
Filed: May 14, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 162.0001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 30, 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 declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2400.

The application is being forwarded to Technology Center Art Unit 2483 for action on the merits commensurate with this decision.

/Diane C. Goodwyn/
Diane C. Goodwyn
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.
12/466,340	05/14/2009	David G. Aviv	162.0001	5660

35987 7590 01/04/2011
JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND, OR 97229

EXAMINER
DIEP, NHON THANH

ART UNIT	PAPER NUMBER
2483	

MAIL DATE	DELIVERY MODE
01/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JAN 03 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND, OR 97229

In re Application of
AVIV, DAVID G.
Application No. 12/466,340
Filed: May 14, 2009
For: **ABNORMALITY DETECTION AND SURVEILLANCE SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. §1.102 to make special filed November 30, 2010 which is considered as pursuant to MPEP §708.02 (IV), applicant's age.

A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a declaration that David G. Aviv is 81 years of age.

Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application is being forwarded to the examiner for expedited prosecution.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400
(571) 272-7418

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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JOHN C. SMITH, P.A.
4125 NW 58th LANE
BOCA RATON FL 33496

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of	:	
Gennadiy TSVEY	:	
Application No. 12/466,365	:	DECISION ON PETITION
Filed: May 14, 2009	:	
Attorney Docket No. **06380701**	:	

This is a decision on the petition filed November 08, 2010, in the above-identified application.

The petition is dismissed.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,620.00. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was <u>not</u> accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN C. SMITH, P.A.
4125 NW 58th LANE
BOCA RATON FL 33496

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Gennadiy TSVEY	:	
Application No. 12/466,365	:	DECISION ON PETITION
Filed: May 14, 2009	:	
Attorney Docket No. 06380701	:	

This is a decision on the renewed 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 reply in a timely manner to the non-final Office action mailed, February 04, 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 May 05, 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 $810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of February 04, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2817 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Elena Panaritis	:	
Application No. 12/466,367	:	DECISION ON PETITION
Filed: May 14, 2009	:	
Attorney Docket No. PANA3001/BEU	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 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 January 2, 2011. The Notice of Abandonment was mailed April 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3629 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**
Application Number	12466382
Filing Date	14-May-2009
First Named Inventor	Ashok Wahi
Attorney Docket Number	51900-TRUTEK-008
Title	ANTIHISTAMINE AND ANTIHISTAMINE-LIKE NASAL APPLICATION, PRODUCTS, AND METH

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 04-11-2012
- ○ 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	/Stanley H. Kremen/
Name	Stanley H. Kremen
Registration Number	51900

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date April 11, 2012

In re Application of Ashok Wahi

Application No. 12466382

Filed: 14-May-2009

Attorney Docket No. 51900-TRUTEK-0

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), April 11, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the 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 aresponse; (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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Valerio PASCUCCI
Application No. 12/466,488
Filed: May 15, 2009
Attorney Docket No. **083404-0187**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 22, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Paul S. Hunter on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **VALERIO PASCUCCI**
417 MARYFIELD DRIVE
SALT LAKE CITY, UT 84108

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

MAILED

OCT 19 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Spireas, Spiridon	:	
Application No. 12/466,544	:	
Filed: May 15, 2009	:	
Attorney Docket No. MPC0176USC	:	

This is a notice regarding your request, January 29, 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 must be paid at the large entity rate.

This matter is being referred to Technology Center AU 1614 to await a response to the Office action mailed August 4, 2010.

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

TRAN & ASSOCIATES
P.O. BOX 68
SARATOGA CA 95071-0068

MAILED

AUG 06 2010

OFFICE OF PETITIONS

In re Application of :
Hu :
Application No. 12/466,563 :
Filed: 15 May, 2009 :
Attorney Docket No: SOFTROUTE002C1 :

DECISION

This is a decision on the petition filed on 11 February, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

The regulations at 37 C.F.R. §1.137(b)(3) require a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 C.F.R. §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 petition under 37 C.F.R. §1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR §1.137(b)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

It appears that Petitioner has not satisfied the reply and statement requirements pursuant to the regulations at 37 C.F.R. §1.137(b).

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

The Applicant failed to reply timely and properly to the Notice to File Missing Parts (oath/declaration, fees, surcharge) mailed on 29 May, 2009, with reply due absent extension of time on or before 29 July, 2009.

The application went abandoned by operation of law after midnight 29 July, 2009

The Office mailed the Notice of Abandonment on 5 February, 2010.

On 11 February, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of an oath/declaration and fees—but failed to submit the surcharge as directed in the 29 May, 2009, Notice of Missing Parts—and made a statement of unintentional delay. As noted above, the regulations at 37 C.F.R. §1.137(b)(3) require a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 C.F.R. §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—and Petitioner should use the form available from the Office website () on any renewed petition

At this writing the reply and statement requirements under the Rule has not been satisfied.

*These deficiencies **must** be overcome on any renewed petition.*

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[2],[3]

CONCLUSION

The instant petition under 37 C.F.R. §1.137(b) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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[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).

[2] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[3] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) 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

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TRAN & ASSOCIATES
P.O. BOX 68
SARATOGA CA 95071-0068

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Hu :
Application No. 12/466,563 :
Filed: 15 May, 2009 :
Attorney Docket No: SOFTROUTE002C1 :

DECISION

This is a decision on the petition filed on 14 September, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

The Applicant failed to reply timely and properly to the Notice to File Missing Parts (oath/declaration, fees, surcharge) mailed on 29 May, 2009, with reply due absent extension of time on or before 29 July, 2009.

The application went abandoned by operation of law after midnight 29 July, 2009

The Office mailed the Notice of Abandonment on 5 February, 2010.

On 11 February, 2010, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of an oath/declaration and fees—but failed to submit the surcharge as directed in the 29 May, 2009, Notice of Missing Parts—and made a statement of unintentional delay. As noted above, the regulations at 37 C.F.R. §1.137(b)(3) require a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional." (In the dismissal of the petition on 6 August, 2010, Petitioner was reminded that the statement appearing in the petition varied from the language required by 37 C.F.R. §1.137(b)(3), the statement was being construed as the required statement, and Petitioner **must** notify the Office if this was **not** a correct reading of the statement appearing in the petition.

On 14 September, 2010, Petitioner re-advanced his petition (using the form with the proper statement) pursuant to 37 C.F.R. §1.137(b), with fee, and completed the reply in the form of an oath/declaration and fees and surcharge made a statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

---

[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).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) 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

---

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[4] 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CHOATE HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Charles Bernard Valois	:	
Application No. 12/466,647	:	DECISION ON PETITION
Filed: May 15, 2009	:	TO WITHDRAW
Attorney Docket No.: 2007719-0010 (I2S-006)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 24, 2010.

The request is **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 Brenda Herschbach Jarrell on behalf of all the practitioners of record.

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 (48329) does not identify the intervening assignee of the entire interest or the first named inventor.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

MAILED

SEP 22 2011

OFFICE OF PETITIONS

Applicant: Martinez, et al.
Appl. No.: 12/466,669
Filing Date: May 15, 2009
Title: LIQUEFIED NATURAL GAS AND HYDROCARBON GAS PROCESSING
Attorney Docket No.: 03137.000255
Pub. No.: US 2010/0287985 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 December 29, 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 11 2011

OFFICE OF PETITIONS

Feldman Gale, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

In re Application of	:	
Rao S. Bezwada	:	
Application No. 12/466,709	:	DECISION ON PETITION
Filed: May 15, 2009	:	TO WITHDRAW
Attorney Docket No. 1060.BEZW0010U	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 31, 2011.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Feldman Gale, P.A., has been revoked by the assignee of the patent application on April 1, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Vance Intellectual Property, PC
5467 Hill Top Street
Crozet, VA 22932-3167

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
12/466,709	05/15/2009	Rao S. Bezwada	1060.BEZW0010U

CONFIRMATION NO. 6424

POWER OF ATTORNEY NOTICE

44338
FELDMAN GALE, P.A.
1700 Market Street
Suite 3130
Philadelphia, PA 19103

OC000000047004318

Date Mailed: 04/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2011.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,761	05/15/2009	Takafumi Endo	339161US2	6521

22850 7590 01/20/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
01/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
ENDO, TAKAFUMI et al.	:	DECISION ON REQUEST TO
Application No. 12/466,761	:	PARTICIPATE IN PATENT
Filed: May 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 339161US2	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 17, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

MAILED
MAR 07 2011
OFFICE OF PETITIONS

In re Application of	:	
Tomio IKEGAMI	:	
Application No. 12/466,765	:	DECISION GRANTING PETITION
Filed: May 15, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **141608**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 2, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 8, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2878 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,808	05/15/2009	Takafumi ENDO	339180US2	6618

22850 7590 02/11/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
POON, KING Y

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
02/11/2011	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
ENDO, TAKAFUMI, et al.	:	DECISION ON REQUEST TO
Application No. 12/466,808	:	PARTICIPATE IN PATENT
Filed: May 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **339180US2**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 17, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON MA 02110-2604

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of :
Bruno DE MARCHI FILHO, et al :
Application No. 12/466,833 : DECISION ON PETITION
Filed: May 15, 2009 :
Attorney Docket No. 109772-82910 :

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 reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed September 14, 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 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for further processing in the normal course of business.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : August 30,2011

In re Application of :

Martin Moskovits

Application No : 12466853

Filed : 15-May-2009

Attorney Docket No : 638772015900

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 30,2011

The request is **APPROVED.**

The request was signed by Catherine M. Polizzi (registration no. 40130) on behalf of all attorneys/agents associated with Customer Number 25226 . All attorneys/agents associated with Cusotmer Number 25226 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Abraxis Biosensors, LLC
Name2	
Address 1	11755 Wilshire Blvd, Suite 2000
Address 2	
City	Los Angeles
State	CA
Postal Code	90025
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 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	12466853
Filing Date	15-May-2009
First Named Inventor	Martin Moskovits
Art Unit	1722
Examiner Name	BRITTANY RAYMOND
Attorney Docket Number	638772015900
Title	EXPOSURE METHODS FOR FORMING PATTERNED LAYERS AND APPARATUS FOR PERFORMING THE SAME

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 25226

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ 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

☒ 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

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Abraxis Biosensors, LLC
Address	11755 Wilshire Blvd, Suite 2000
City	Los Angeles
State	CA
Postal Code	90025
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Catherine M. Polizzi/
Name	Catherine M. Polizzi
Registration Number	40130

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BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

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NOV 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Che-Hsiung Hsu, et al.	:	
Application No. 12/466,879	:	DECISION ON PETITION
Filed: May 15, 2009	:	
Attorney Docket No. UC0814USNA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 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, mailed June 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 August 27, 2009. The Notice of Abandonment was mailed March 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath/declaration and $130 surcharge, (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 Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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P.O. BOX 581336
MINNEAPOLIS MN 55458-1336

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MAY 11 2011

OFFICE OF PETITIONS

In re Application of
KASUBICK et al.
Application No. 12/466,893
Filed: May 15, 2009
Attorney Docket No. 365.00070101

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 14, 2009 to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on May 15, 2009, within twelve months of the filing date of the prior-filed provisional application, Application No. 61/127,842, which was filed on May 16, 2008, and for which priority is claimed. However, the reference to prior-filed provisional application 61/127,843 included in paragraph 01 of the specification is not acceptable as a claim of benefit. Prior-filed provisional application 61/127,843 does not have a common inventor with the pending nonprovisional application.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and an amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the improper benefit claim is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

David Bucci
Petitions Examiner
Office of Petitions

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MINNEAPOLIS MN 55458-1336

MAILED
SEP 13 2011
OFFICE OF PETITIONS

In re Application of
KASUBICK et al.
Application No. 12/466,893
Filed: May 15, 2009
Attorney Docket No. 365.00070101

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed August 8, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on May 15, 2009, within twelve months of the filing date of the prior-filed provisional application, Application No. 61/127,842, which was filed on May 16, 2008, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to paragraph 0001 of the specification.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application

after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

Further correspondence with respect to this matter should be addressed as follows:

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By hand: Customer Service Window
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

David Bucci
Petitions Examiner
Office of Petitions

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P.O. BOX 581336
MINNEAPOLIS MN 55458-1336

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of	:	
KASUBICK et al.	:	
Application No. 12/466,893	:	DECISION ON PETITION
Filed: May 15, 2009	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: 365.00070101	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed October 3, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed Application Data Sheet.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1623 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Jose' G Dees
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/466,893	05/15/2009	1623	689	365.00070101	22	4

CONFIRMATION NO. 6824

CORRECTED FILING RECEIPT

26813
MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

OC000000050841028

Date Mailed: 11/07/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Robert V. Kasubick, Red Oak, IA;
John A. St. Cyr, Coon Rapids, MN;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/127,842 05/16/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 05/21/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/466,893**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

USE OF RIBOSE IN LESSENING THE CLINICAL SYMPTOMS OF ABERRANT FIRING OF NEURONS

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,920	05/15/2009	Hiroyuki MANO	Q113279	6875

23373 7590 05/06/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
HAMA, JOANNE

ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
05/06/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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May 4, 2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
MANO, HIROYUKI, et al.	:	**DECISION ON PETITION**
Application No. **12/466920**	:	
Filed: **05/15/2009**	:	
Attorney Docket No: **Q113279**		

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 **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- 576-1565.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

May 10, 2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

Re Application of	: **CORRECTED**
MANO, HIROYUKI, ET AL	: **DECISION ON PETITION**
Application: **12/466920**	: **ACCEPTANCE OF COLOR**
Filed: **05/15/2009**	: **DRAWINGS**
Attorney Docket No: **Q113279**	:

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 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, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

   "The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

OCT 05 2010

OFFICE OF PETITIONS

In re Application of Gary M. Horndeski Application No. 12/466,928 Filed: May 15, 2009 Attorney Docket No. 18577-0008001	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed September 13, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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FISH & RICHARDSON P.C. (DA)
P.O. Box 1022
Minneapolis, MN 55440-1022

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Gary M. Horndeski	:	
Application No. 12/466,928	:	DECISION ON PETITION
Filed: May 15, 2009	:	TO WITHDRAW
Attorney Docket No. 18577-0008001	:	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 October 12, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jonathan A. Solomon on behalf all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Gary Horndeski at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Gary M. Horndeski**
14887 Southwest Freeway
Sugarland, TX 77478

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/466,928	05/15/2009	Gary M. Horndeski	18577-0008001

CONFIRMATION NO. 6895

POWER OF ATTORNEY NOTICE

26231
FISH & RICHARDSON P.C. (DA)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000044151707

Date Mailed: 10/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/12/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

MAILED
MAR 26 2012
OFFICE OF PETITIONS

In re Application of Eric Marple Application No. 12/466,930 Filed: May 15, 2009 Attorney Docket No. 022720.0174PTUS	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 10, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **PRESCIENT MEDICAL, INC.**
2005 SOUTH EASTON ROAD
SUITE 204
DOYLESTOWN, PA 18901

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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CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of Samuels et al. Application No. 12/466,988 Filed: May 15, 2009 Attorney Docket No. 2006579-1621 (CTX-277CON)	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 10, 2010, 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 Brenda Herschbach Jarrell 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 Brenda Herschbach Jarrell not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

The above-identified application issued as Patent No. 12/466,988 on January 4, 2011.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of	:	
BRIDGER, et al	:	
Application No. 12/467,006	:	DECISION ON PETITION
Filed: May 15, 2009	:	TO WITHDRAW
Attorney Docket No. 391442006501	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 4, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Kate H. Murashige on behalf of the attorneys of record associated with Customer No. 25225.

The attorneys of record associated with Customer No. 25225 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: GENZYNE CORPORATION
153 SECOND AVE
WALTHAM MA 02451

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/467,006	05/15/2009	Gary J. BRIDGER	391442006501

CONFIRMATION NO. 7070

POWER OF ATTORNEY NOTICE

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

OC000000048159636

Date Mailed: 06/13/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/04/2011.

- 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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VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Byung Cheon Chu	:	DECISION ON PETITION
Application No. 12/467,032	:	TO WITHDRAW
Filed: May 15, 2009	:	FROM RECORD
Attorney Docket No. JSK-PT020	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed October 29, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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VOLPE AND KOEING, P.C.
United Plaza
30 South 17th Street
Philadelphia, PA 19103

MAILED
JAN 10 2011
OFFICE OF PETITIONS

In re Application of	:	
Byung Cheon Chu	:	
Application No. 12/467,032	:	DECISION ON PETITION
Filed: May 15, 2009	:	TO WITHDRAW
Attorney Docket No. JSK-PT020	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 13, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Stephen B. Schott on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Byung Cheon Chu at the address indicated below.

There is an outstanding Office action mailed November 26, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson

/Terri Johnson/
Petitions Examiner
Office of Petitions

cc: **Byung Cheon Chu**
2, 3 floor Yongil Building
40-9 Hangangno 3(sam)-ga, Yongsan-gu
Seoul, 140-877
Republic of Korea

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/467,032	05/15/2009	Byung Cheon CHU	JSK-PT020

CONFIRMATION NO. 7117

POWER OF ATTORNEY NOTICE

3624
VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

OC000000045330760

Date Mailed: 01/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/13/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/467,054	05/15/2009	Ken HATANO	SUTOSH.393AUS	7167

20995 7590 02/16/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
02/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

FEB 15 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: Ken HATANO
Application No. 12467054
Filed: May 15, 2009
For: INFORMATION PROCESSING APPARATUS AND SECURITY PROTECTION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the response, filed on April 18, 2010, to the dismissal, mailed March 17, 2010, of the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 10, 2010, to make the above-identified application special. The response is being treated as a renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the Japanese application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO 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 Japanese application(s) containing the allowable/patentable claim(s);
b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition were previously dismissed for failing meet the requirement of items (3) above.
The preliminary amendment filed April 16, 2010 has addressed the deficiencies identified in the original decision. The request to participate in the PPH program and petition now 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 the undersigned at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

MAILED
JAN 24 2011
OFFICE OF PETITIONS

In re Application of :
Chang :
Application No. 12/467,111 :
Filed: 15 May, 2009 :
Attorney Docket No. 090041 :

DECISION

This is a decision on the petition filed on 6 August, 2010, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Counsel failed to reply timely and properly to the Notice of Missing Parts (oath/declaration, surcharge) mailed on 29 May, 2009, with reply due absent extension of time on or before 29 July, 2009.

On 12 December, 2009, Petitioner submitted a request and fee for extension time and a partial reply, but failed to submit the surcharge (or authorization therefore).

The application went abandoned by operation of law after midnight 29 December, 2009.

The Office mailed a Notice of Abandonment on 13 January, 2010.

On 6 August, 2010, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, a reply in the form of the surcharge, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

---

[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).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) 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

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE LAW OFFICES OF CALVIN B. WARD
18 CR.OW CANYON COURT, SUITE 305
SAN RAMON, CA 94583

MAILED
DEC 03 2010
OFFICE OF PETITIONS

In re Application:	:	
Ghulam Hasnain	:	
Application No. 12/467,191	:	NOTICE
Filed: May 15, 2009	:	
Attorney Docket No. 54900	:	

This is a notice regarding your request for acceptance of a fee deficiency submission filed on October 22, 2010, under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of
D. Bruce Modesitt
Application No. 12/467,251
Filed: May 15, 2009
Attorney Docket No. 602572000303

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 request was signed by Mika Mayer on behalf of all attorneys of record who are associated with customer No. 25226. All attorneys/agents associated with the Customer Number 25226 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: ARSTASIS, INC.
1021 HOWARD AVENUE
SUITE C
SAN CARLOS, CA 94070

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
12/467,251	05/15/2009	D. Bruce MODESITT	602572000303

CONFIRMATION NO. 7609

POWER OF ATTORNEY NOTICE

25226
MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

OC000000044789673

Date Mailed: 12/03/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/14/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent Prep and Pros Group
Scott A. Schlack
4632 159th Street S.W.
Lynnwood, WA 98087

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert David Gamache	:	
Application No. 12/467,287	:	DECISION ON PETITION
Filed: May 17, 2009	:	TO WITHDRAW
Attorney Docket No. WNDTK-0001	:	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 8, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Scott A. Schlack on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Robert David Gamache at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Robert David Gamache**
19519 Meridian Ave N.
Seattle, WA 98133

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/467,287	05/17/2009	Robert David Garnache	WNDTK-0001

CONFIRMATION NO. 7734

POWER OF ATTORNEY NOTICE

85738
Patent Prep and Pros Group
Scott A. Schlack
4632 159th St. S.W.
Lynnwood, WA 98087

OC000000045594581

Date Mailed: 01/21/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/08/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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Amy L. Karpus
222 Towering Pine Road
Ladson, SC 29456

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
Amy Lynn Karpus, et. al. :
Application No. 12/467,302 : ON PETITION
Filed: May 17, 2009 :
Attorney Docket No. N/A :

This is a decision on the "Response to Notice of Abandonment Mailed 07/12/2011," filed July 19, 2011 and August 9, 2011, which is being treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment in the above-identified application.

The petition is **dismissed**.

The present petition cannot be accepted at this time, since it is not signed by both the inventors. Therefore, petitioner must submit a properly signed petition under 37 CFR 1.181, by both the inventors, unless there is an assignee of entire, right, title and interest that complied with the requirements of 37 CFR 3.73(b). No additional petition fee is necessary.

Petitioner is reminded that 37 CFR 1.33(b) states that amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A 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.**

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." 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) 272-3226.

Andrea Smith
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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Amy L. Karpus
222 Towering Pine Road
Ladson, SC 29456

MAILED

SEP 23 2011

OFFICE OF PETITIONS

In re Application of
Amy Lynn Karpus, et. al.
Application No. 12/467,302
Filed: May 17, 2009
Attorney Docket No. N/A

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181 filed on August 22, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action mailed December 28, 2010, which set a three (3) month or thirty (30) day response period, whichever is longer, from the mail date of the Office action. A Notice of Abandonment was mailed on July 12, 2011.

Petitioner states that a timely reply was filed via facsimile transmissions on December 22, 2010 and March 24, 2011. Petitioner has submitted a copy of the previously transmitted correspondence on July 19, 2011, which bears a certificate of facsimile transmission dated March 24, 2011, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> 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, terminated, or

decided with prejudice, 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 which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. 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.

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 28, 2010, is hereby withdrawn and the application restored to pending status.

The copy of the reply received on July 19, 2011, will be accepted in place of the reply shown to have been transmitted by facsimile on March 24, 2011.

This application file is being referred to Technology Center Art Unit 3751 for further processing.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED
SEP 07 2011
OFFICE OF PETITIONS

In re Application of	:	
BAEK	:	
Application No. 12/467,351	:	DECISION ON PETITION
Filed: May 18, 2009	:	UNDER 37 CFR 1.313(c)
Attorney Docket No. CU-7362 WWP	:	

This is a decision on the petition under 37 CFR 1.313(c), filed September 6, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 23, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2895 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Daniel F. SCHMIDT	:	
Application No. 12/467,368	:	DECISION ON PETITION
Filed: May 18, 2009	:	TO WITHDRAW
Attorney Docket No. 002566-005100	:	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 7, 2010.

The request is **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Jeffrey L. Costellia and the attorneys associated with Customer No. 22204, has been revoked by the assignee of the patent application on September 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

/DCG/
/Diane C. Goodwyn/
Petitions Examiner
Office of Petitions

Cc: CBS INTERACTIVE INC.
235 SECOND STREET
SAN FRANCISCO CA 94105

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NIXON PEABODY LLP
401 Ninth Street, N.W.
Suite 900
WASHINGTON DC 20004

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Daniel F. Schmidt	:	
Application No. 12/467,384	:	DECISION ON PETITION
Filed: May 18, 2009	:	TO WITHDRAW
Attorney Docket No. **002566-052000**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 7, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22204 has been revoked by the applicants of the patent application on September 16, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Reed Smith LLP
P.O. Box 488
Pittsburgh PA 15230

UNITED STATES PATENT AND TRADEMARK OFFICE

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

MAILED

OCT 25 2010

OFFICE OF PETITIONS

In re Application of
Daniel F. Schmidt
Application No. 12/467,394
Filed: May 18, 2009
Attorney Docket No. **002566-053000**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed September 7, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22204 has been revoked by the applicants of the patent application on September 16, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: K&L Gates LLP
K&L Gates Center
210 Sixth Avenue
Pittsburgh PA 15222-2613

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	0	("7669726B2").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 14:04
S2	2	("7669726").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 14:05
S3	1	(12/467405).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 14:07
S4	5	("2005082746").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 14:08
S5	0	("pitcher.ti.anddrink$").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 14:10

S6	242678	"pitcher.ti.and" drink$	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 14:10
S7	435	220/506	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 14:11
S8	668	220/521	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 15:27
S9	21	("0205486" | "0832556" | "1030325" | "1033009" | "1047681" | "1954370" | "20070051689" | "4618444" | "4720351" | "5435256" | "5472274" | "5502981" | "5732567" | "6332557" | "6390319").PN. OR ("7669726").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/12/09 16:11
S10	33	pitcher.ti. and drink$	USPAT	OR	ON	2010/12/09 16:33
S11	90	pitcher.ti. and drink$	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 16:33
S12	2042	(220/521,522,254.1,254.8,254.9,254.7).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 16:34

S13	344	S6 and S12	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 16:34
S14	1185	222/465.1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 16:53
S15	0	S9 and S14	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 16:54
S16	1619	220/212	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 16:54
S17	124	S12 and S16	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 16:54
S18	619	220/293	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 17:57

EAST Search History (Interference)

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EAST Search History

EAST Search History (Prior Art)

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S2	2	("7669726").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 14:05
S3	1	(12/467405).APP.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 14:07
S4	5	("2005082746").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 14:08
S5	0	("pitcher.ti.anddrink$").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 14:10

S6	242678	"pitcher.ti.and" drink$	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 14:10
S7	435	220/506	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 14:11
S8	668	220/521	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 15:27
S9	21	("0205486" | "0832556" | "1030325" | "1033009" | "1047681" | "1954370" | "20070051689" | "4618444" | "4720351" | "5435256" | "5472274" | "5502981" | "5732567" | "6332557" | "6390319").PN. OR ("7669726").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/12/09 16:11
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S12	2042	(220/521,522,254.1,254.8,254.9,254.7).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/12/09 16:34

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S17	124	S12 and S16	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 16:54
S18	619	220/293	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/12/09 17:57

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OCT 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Daniel F. Schmidt	:	
Application No. 12/467,414	:	DECISION ON PETITION
Filed: May 18, 2009	:	TO WITHDRAW
Attorney Docket No. **002566-052000**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 7, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22204 has been revoked by the applicants of the patent application on September 16, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Reed Smith LLP
P.O. Box 488
Pittsburgh PA 15230